



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6191

Introduced 2/11/2016, by Rep. Laura Fine

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/1-9	from Ch. 37, par. 801-9
705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/3-12	from Ch. 37, par. 803-12
705 ILCS 405/4-9	from Ch. 37, par. 804-9
705 ILCS 405/5-105	
705 ILCS 405/5-120	
705 ILCS 405/5-130	
705 ILCS 405/5-401.5	
705 ILCS 405/5-410	
705 ILCS 405/5-901	
705 ILCS 405/5-905	
705 ILCS 405/5-915	
730 ILCS 5/3-2-5	from Ch. 38, par. 1003-2-5
730 ILCS 5/3-10-7	from Ch. 38, par. 1003-10-7
730 ILCS 5/5-8-6	from Ch. 38, par. 1005-8-6

Amends the Juvenile Court Act of 1987. Provides that persons under 21 years of age (rather than under 18 years of age) who commit offenses are subject to the proceedings under the Act for delinquent minors. Amends the Unified Code of Corrections to make conforming changes.

LRB099 17793 SLF 42155 b

1 AN ACT in relation to minors.

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 Sections 1-7, 1-8, 1-9, 2-10, 3-12, 4-9, 5-105, 5-120,  
6 5-130, 5-401.5, 5-410, 5-901, 5-905, and 5-915 as follows:

7 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

8 Sec. 1-7. Confidentiality of law enforcement records.

9 (A) Inspection and copying of law enforcement records  
10 maintained by law enforcement agencies that relate to a minor  
11 who has been investigated, arrested, or taken into custody  
12 before his or her 21st ~~18th~~ birthday shall be restricted to the  
13 following:

14 (1) Any local, State or federal law enforcement  
15 officers of any jurisdiction or agency when necessary for  
16 the discharge of their official duties during the  
17 investigation or prosecution of a crime or relating to a  
18 minor who has been adjudicated delinquent and there has  
19 been a previous finding that the act which constitutes the  
20 previous offense was committed in furtherance of criminal  
21 activities by a criminal street gang, or, when necessary  
22 for the discharge of its official duties in connection with  
23 a particular investigation of the conduct of a law

1 enforcement officer, an independent agency or its staff  
2 created by ordinance and charged by a unit of local  
3 government with the duty of investigating the conduct of  
4 law enforcement officers. For purposes of this Section,  
5 "criminal street gang" has the meaning ascribed to it in  
6 Section 10 of the Illinois Streetgang Terrorism Omnibus  
7 Prevention Act.

8 (2) Prosecutors, probation officers, social workers,  
9 or other individuals assigned by the court to conduct a  
10 pre-adjudication or pre-disposition investigation, and  
11 individuals responsible for supervising or providing  
12 temporary or permanent care and custody for minors pursuant  
13 to the order of the juvenile court, when essential to  
14 performing their responsibilities.

15 (3) Prosecutors and probation officers:

16 (a) in the course of a trial when institution of  
17 criminal proceedings has been permitted or required  
18 under Section 5-805; or

19 (b) when institution of criminal proceedings has  
20 been permitted or required under Section 5-805 and such  
21 minor is the subject of a proceeding to determine the  
22 amount of bail; or

23 (c) when criminal proceedings have been permitted  
24 or required under Section 5-805 and such minor is the  
25 subject of a pre-trial investigation, pre-sentence  
26 investigation, fitness hearing, or proceedings on an

1 application for probation.

2 (4) Adult and Juvenile Prisoner Review Board.

3 (5) Authorized military personnel.

4 (6) Persons engaged in bona fide research, with the  
5 permission of the Presiding Judge of the Juvenile Court and  
6 the chief executive of the respective law enforcement  
7 agency; provided that publication of such research results  
8 in no disclosure of a minor's identity and protects the  
9 confidentiality of the minor's record.

10 (7) Department of Children and Family Services child  
11 protection investigators acting in their official  
12 capacity.

13 (8) The appropriate school official only if the agency  
14 or officer believes that there is an imminent threat of  
15 physical harm to students, school personnel, or others who  
16 are present in the school or on school grounds.

17 (A) Inspection and copying shall be limited to law  
18 enforcement records transmitted to the appropriate  
19 school official or officials whom the school has  
20 determined to have a legitimate educational or safety  
21 interest by a local law enforcement agency under a  
22 reciprocal reporting system established and maintained  
23 between the school district and the local law  
24 enforcement agency under Section 10-20.14 of the  
25 School Code concerning a minor enrolled in a school  
26 within the school district who has been arrested or

1 taken into custody for any of the following offenses:

2 (i) any violation of Article 24 of the Criminal  
3 Code of 1961 or the Criminal Code of 2012;

4 (ii) a violation of the Illinois Controlled  
5 Substances Act;

6 (iii) a violation of the Cannabis Control Act;

7 (iv) a forcible felony as defined in Section  
8 2-8 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012;

10 (v) a violation of the Methamphetamine Control  
11 and Community Protection Act;

12 (vi) a violation of Section 1-2 of the  
13 Harassing and Obscene Communications Act;

14 (vii) a violation of the Hazing Act; or

15 (viii) a violation of Section 12-1, 12-2,  
16 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
17 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 The information derived from the law enforcement  
20 records shall be kept separate from and shall not  
21 become a part of the official school record of that  
22 child and shall not be a public record. The information  
23 shall be used solely by the appropriate school official  
24 or officials whom the school has determined to have a  
25 legitimate educational or safety interest to aid in the  
26 proper rehabilitation of the child and to protect the

1 safety of students and employees in the school. If the  
2 designated law enforcement and school officials deem  
3 it to be in the best interest of the minor, the student  
4 may be referred to in-school or community based social  
5 services if those services are available.  
6 "Rehabilitation services" may include interventions by  
7 school support personnel, evaluation for eligibility  
8 for special education, referrals to community-based  
9 agencies such as youth services, behavioral healthcare  
10 service providers, drug and alcohol prevention or  
11 treatment programs, and other interventions as deemed  
12 appropriate for the student.

13 (B) Any information provided to appropriate school  
14 officials whom the school has determined to have a  
15 legitimate educational or safety interest by local law  
16 enforcement officials about a minor who is the subject  
17 of a current police investigation that is directly  
18 related to school safety shall consist of oral  
19 information only, and not written law enforcement  
20 records, and shall be used solely by the appropriate  
21 school official or officials to protect the safety of  
22 students and employees in the school and aid in the  
23 proper rehabilitation of the child. The information  
24 derived orally from the local law enforcement  
25 officials shall be kept separate from and shall not  
26 become a part of the official school record of the

1 child and shall not be a public record. This limitation  
2 on the use of information about a minor who is the  
3 subject of a current police investigation shall in no  
4 way limit the use of this information by prosecutors in  
5 pursuing criminal charges arising out of the  
6 information disclosed during a police investigation of  
7 the minor. For purposes of this paragraph,  
8 "investigation" means an official systematic inquiry  
9 by a law enforcement agency into actual or suspected  
10 criminal activity.

11 (9) Mental health professionals on behalf of the  
12 Illinois Department of Corrections or the Department of  
13 Human Services or prosecutors who are evaluating,  
14 prosecuting, or investigating a potential or actual  
15 petition brought under the Sexually Violent Persons  
16 Commitment Act relating to a person who is the subject of  
17 juvenile law enforcement records or the respondent to a  
18 petition brought under the Sexually Violent Persons  
19 Commitment Act who is the subject of the juvenile law  
20 enforcement records sought. Any records and any  
21 information obtained from those records under this  
22 paragraph (9) may be used only in sexually violent persons  
23 commitment proceedings.

24 (10) The president of a park district. Inspection and  
25 copying shall be limited to law enforcement records  
26 transmitted to the president of the park district by the

1 Illinois State Police under Section 8-23 of the Park  
2 District Code or Section 16a-5 of the Chicago Park District  
3 Act concerning a person who is seeking employment with that  
4 park district and who has been adjudicated a juvenile  
5 delinquent for any of the offenses listed in subsection (c)  
6 of Section 8-23 of the Park District Code or subsection (c)  
7 of Section 16a-5 of the Chicago Park District Act.

8 (B) (1) Except as provided in paragraph (2), no law  
9 enforcement officer or other person or agency may knowingly  
10 transmit to the Department of Corrections or the Department  
11 of State Police or to the Federal Bureau of Investigation  
12 any fingerprint or photograph relating to a minor who has  
13 been arrested or taken into custody before his or her 21st  
14 ~~18th~~ birthday, unless the court in proceedings under this  
15 Act authorizes the transmission or enters an order under  
16 Section 5-805 permitting or requiring the institution of  
17 criminal proceedings.

18 (2) Law enforcement officers or other persons or  
19 agencies shall transmit to the Department of State Police  
20 copies of fingerprints and descriptions of all minors who  
21 have been arrested or taken into custody before their 21st  
22 ~~18th~~ birthday for the offense of unlawful use of weapons  
23 under Article 24 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, a Class X or Class 1 felony, a  
25 forcible felony as defined in Section 2-8 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012, or a Class 2 or



1 greater felony under the Cannabis Control Act, the Illinois  
2 Controlled Substances Act, the Methamphetamine Control and  
3 Community Protection Act, or Chapter 4 of the Illinois  
4 Vehicle Code, pursuant to Section 5 of the Criminal  
5 Identification Act. Information reported to the Department  
6 pursuant to this Section may be maintained with records  
7 that the Department files pursuant to Section 2.1 of the  
8 Criminal Identification Act. Nothing in this Act prohibits  
9 a law enforcement agency from fingerprinting a minor taken  
10 into custody or arrested before his or her 21st ~~18th~~  
11 birthday for an offense other than those listed in this  
12 paragraph (2).

13 (C) The records of law enforcement officers, or of an  
14 independent agency created by ordinance and charged by a unit  
15 of local government with the duty of investigating the conduct  
16 of law enforcement officers, concerning all minors under 21 ~~18~~  
17 years of age must be maintained separate from the records of  
18 arrests and may not be open to public inspection or their  
19 contents disclosed to the public except by order of the court  
20 presiding over matters pursuant to this Act or when the  
21 institution of criminal proceedings has been permitted or  
22 required under Section 5-805 or such a person has been  
23 convicted of a crime and is the subject of pre-sentence  
24 investigation or proceedings on an application for probation or  
25 when provided by law. For purposes of obtaining documents  
26 pursuant to this Section, a civil subpoena is not an order of

1 the court.

2 (1) In cases where the law enforcement, or independent  
3 agency, records concern a pending juvenile court case, the  
4 party seeking to inspect the records shall provide actual  
5 notice to the attorney or guardian ad litem of the minor  
6 whose records are sought.

7 (2) In cases where the records concern a juvenile court  
8 case that is no longer pending, the party seeking to  
9 inspect the records shall provide actual notice to the  
10 minor or the minor's parent or legal guardian, and the  
11 matter shall be referred to the chief judge presiding over  
12 matters pursuant to this Act.

13 (3) In determining whether the records should be  
14 available for inspection, the court shall consider the  
15 minor's interest in confidentiality and rehabilitation  
16 over the moving party's interest in obtaining the  
17 information. Any records obtained in violation of this  
18 subsection (C) shall not be admissible in any criminal or  
19 civil proceeding, or operate to disqualify a minor from  
20 subsequently holding public office or securing employment,  
21 or operate as a forfeiture of any public benefit, right,  
22 privilege, or right to receive any license granted by  
23 public authority.

24 (D) Nothing contained in subsection (C) of this Section  
25 shall prohibit the inspection or disclosure to victims and  
26 witnesses of photographs contained in the records of law

1 enforcement agencies when the inspection and disclosure is  
2 conducted in the presence of a law enforcement officer for the  
3 purpose of the identification or apprehension of any person  
4 subject to the provisions of this Act or for the investigation  
5 or prosecution of any crime.

6 (E) Law enforcement officers, and personnel of an  
7 independent agency created by ordinance and charged by a unit  
8 of local government with the duty of investigating the conduct  
9 of law enforcement officers, may not disclose the identity of  
10 any minor in releasing information to the general public as to  
11 the arrest, investigation or disposition of any case involving  
12 a minor.

13 (F) Nothing contained in this Section shall prohibit law  
14 enforcement agencies from communicating with each other by  
15 letter, memorandum, teletype or intelligence alert bulletin or  
16 other means the identity or other relevant information  
17 pertaining to a person under 21 ~~18~~ years of age if there are  
18 reasonable grounds to believe that the person poses a real and  
19 present danger to the safety of the public or law enforcement  
20 officers. The information provided under this subsection (F)  
21 shall remain confidential and shall not be publicly disclosed,  
22 except as otherwise allowed by law.

23 (G) Nothing in this Section shall prohibit the right of a  
24 Civil Service Commission or appointing authority of any state,  
25 county or municipality examining the character and fitness of  
26 an applicant for employment with a law enforcement agency,

1 correctional institution, or fire department from obtaining  
2 and examining the records of any law enforcement agency  
3 relating to any record of the applicant having been arrested or  
4 taken into custody before the applicant's 21st ~~18th~~ birthday.

5 (H) The changes made to this Section by Public Act 98-61  
6 apply to law enforcement records of a minor who has been  
7 arrested or taken into custody on or after January 1, 2014 (the  
8 effective date of Public Act 98-61).

9 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 99-298,  
10 eff. 8-6-15.)

11 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

12 Sec. 1-8. Confidentiality and accessibility of juvenile  
13 court records.

14 (A) Inspection and copying of juvenile court records  
15 relating to a minor who is the subject of a proceeding under  
16 this Act shall be restricted to the following:

17 (1) The minor who is the subject of record, his  
18 parents, guardian and counsel.

19 (2) Law enforcement officers and law enforcement  
20 agencies when such information is essential to executing an  
21 arrest or search warrant or other compulsory process, or to  
22 conducting an ongoing investigation or relating to a minor  
23 who has been adjudicated delinquent and there has been a  
24 previous finding that the act which constitutes the  
25 previous offense was committed in furtherance of criminal

1 activities by a criminal street gang.

2 Before July 1, 1994, for the purposes of this Section,  
3 "criminal street gang" means any ongoing organization,  
4 association, or group of 3 or more persons, whether formal  
5 or informal, having as one of its primary activities the  
6 commission of one or more criminal acts and that has a  
7 common name or common identifying sign, symbol or specific  
8 color apparel displayed, and whose members individually or  
9 collectively engage in or have engaged in a pattern of  
10 criminal activity.

11 Beginning July 1, 1994, for purposes of this Section,  
12 "criminal street gang" has the meaning ascribed to it in  
13 Section 10 of the Illinois Streetgang Terrorism Omnibus  
14 Prevention Act.

15 (3) Judges, hearing officers, prosecutors, probation  
16 officers, social workers or other individuals assigned by  
17 the court to conduct a pre-adjudication or predisposition  
18 investigation, and individuals responsible for supervising  
19 or providing temporary or permanent care and custody for  
20 minors pursuant to the order of the juvenile court when  
21 essential to performing their responsibilities.

22 (4) Judges, prosecutors and probation officers:

23 (a) in the course of a trial when institution of  
24 criminal proceedings has been permitted or required  
25 under Section 5-805; or

26 (b) when criminal proceedings have been permitted

1 or required under Section 5-805 and a minor is the  
2 subject of a proceeding to determine the amount of  
3 bail; or

4 (c) when criminal proceedings have been permitted  
5 or required under Section 5-805 and a minor is the  
6 subject of a pre-trial investigation, pre-sentence  
7 investigation or fitness hearing, or proceedings on an  
8 application for probation; or

9 (d) when a minor becomes 21 ~~18~~ years of age or  
10 older, and is the subject of criminal proceedings,  
11 including a hearing to determine the amount of bail, a  
12 pre-trial investigation, a pre-sentence investigation,  
13 a fitness hearing, or proceedings on an application for  
14 probation.

15 (5) Adult and Juvenile Prisoner Review Boards.

16 (6) Authorized military personnel.

17 (7) Victims, their subrogees and legal  
18 representatives; however, such persons shall have access  
19 only to the name and address of the minor and information  
20 pertaining to the disposition or alternative adjustment  
21 plan of the juvenile court.

22 (8) Persons engaged in bona fide research, with the  
23 permission of the presiding judge of the juvenile court and  
24 the chief executive of the agency that prepared the  
25 particular records; provided that publication of such  
26 research results in no disclosure of a minor's identity and

1 protects the confidentiality of the record.

2 (9) The Secretary of State to whom the Clerk of the  
3 Court shall report the disposition of all cases, as  
4 required in Section 6-204 of the Illinois Vehicle Code.  
5 However, information reported relative to these offenses  
6 shall be privileged and available only to the Secretary of  
7 State, courts, and police officers.

8 (10) The administrator of a bonafide substance abuse  
9 student assistance program with the permission of the  
10 presiding judge of the juvenile court.

11 (11) Mental health professionals on behalf of the  
12 Illinois Department of Corrections or the Department of  
13 Human Services or prosecutors who are evaluating,  
14 prosecuting, or investigating a potential or actual  
15 petition brought under the Sexually Violent Persons  
16 Commitment Act relating to a person who is the subject of  
17 juvenile court records or the respondent to a petition  
18 brought under the Sexually Violent Persons Commitment Act,  
19 who is the subject of juvenile court records sought. Any  
20 records and any information obtained from those records  
21 under this paragraph (11) may be used only in sexually  
22 violent persons commitment proceedings.

23 (A-1) Findings and exclusions of paternity entered in  
24 proceedings occurring under Article II of this Act shall be  
25 disclosed, in a manner and form approved by the Presiding Judge  
26 of the Juvenile Court, to the Department of Healthcare and

1 Family Services when necessary to discharge the duties of the  
2 Department of Healthcare and Family Services under Article X of  
3 the Illinois Public Aid Code.

4 (B) A minor who is the victim in a juvenile proceeding  
5 shall be provided the same confidentiality regarding  
6 disclosure of identity as the minor who is the subject of  
7 record.

8 (C) Except as otherwise provided in this subsection (C),  
9 juvenile court records shall not be made available to the  
10 general public. Subject to the limitations in paragraphs (0.1)  
11 through (0.4) of this subsection (C), the judge presiding over  
12 a juvenile court proceeding brought under this Act, in his or  
13 her discretion, may order that juvenile court records of an  
14 individual case be made available for inspection upon request  
15 by a representative of an agency, association, or news media  
16 entity or by a properly interested person. For purposes of  
17 inspecting documents under this subsection (C), a civil  
18 subpoena is not an order of the court.

19 (0.1) In cases where the records concern a pending  
20 juvenile court case, the requesting party seeking to  
21 inspect the juvenile court records shall provide actual  
22 notice to the attorney or guardian ad litem of the minor  
23 whose records are sought.

24 (0.2) In cases where the records concern a juvenile  
25 court case that is no longer pending, the requesting party  
26 seeking to inspect the juvenile court records shall provide



1 actual notice to the minor or the minor's parent or legal  
2 guardian, and the matter shall be referred to the chief  
3 judge presiding over matters pursuant to this Act.

4 (0.3) In determining whether records should be made  
5 available for inspection and whether inspection should be  
6 limited to certain parts of the file, the court shall  
7 consider the minor's interest in confidentiality and  
8 rehabilitation over the requesting party's interest in  
9 obtaining the information. The State's Attorney, the  
10 minor, and the minor's parents, guardian, and counsel shall  
11 at all times have the right to examine court files and  
12 records.

13 (0.4) Any records obtained in violation of this  
14 subsection (C) shall not be admissible in any criminal or  
15 civil proceeding, or operate to disqualify a minor from  
16 subsequently holding public office, or operate as a  
17 forfeiture of any public benefit, right, privilege, or  
18 right to receive any license granted by public authority.

19 (1) The court shall allow the general public to have  
20 access to the name, address, and offense of a minor who is  
21 adjudicated a delinquent minor under this Act under either  
22 of the following circumstances:

23 (A) The adjudication of delinquency was based upon  
24 the minor's commission of first degree murder, attempt  
25 to commit first degree murder, aggravated criminal  
26 sexual assault, or criminal sexual assault; or

1 (B) The court has made a finding that the minor was  
2 at least 13 years of age at the time the act was  
3 committed and the adjudication of delinquency was  
4 based upon the minor's commission of: (i) an act in  
5 furtherance of the commission of a felony as a member  
6 of or on behalf of a criminal street gang, (ii) an act  
7 involving the use of a firearm in the commission of a  
8 felony, (iii) an act that would be a Class X felony  
9 offense under or the minor's second or subsequent Class  
10 2 or greater felony offense under the Cannabis Control  
11 Act if committed by an adult, (iv) an act that would be  
12 a second or subsequent offense under Section 402 of the  
13 Illinois Controlled Substances Act if committed by an  
14 adult, (v) an act that would be an offense under  
15 Section 401 of the Illinois Controlled Substances Act  
16 if committed by an adult, (vi) an act that would be a  
17 second or subsequent offense under Section 60 of the  
18 Methamphetamine Control and Community Protection Act,  
19 or (vii) an act that would be an offense under another  
20 Section of the Methamphetamine Control and Community  
21 Protection Act.

22 (2) The court shall allow the general public to have  
23 access to the name, address, and offense of a minor who is  
24 at least 13 years of age at the time the offense is  
25 committed and who is convicted, in criminal proceedings  
26 permitted or required under Section 5-4, under either of

1 the following circumstances:

2 (A) The minor has been convicted of first degree  
3 murder, attempt to commit first degree murder,  
4 aggravated criminal sexual assault, or criminal sexual  
5 assault,

6 (B) The court has made a finding that the minor was  
7 at least 13 years of age at the time the offense was  
8 committed and the conviction was based upon the minor's  
9 commission of: (i) an offense in furtherance of the  
10 commission of a felony as a member of or on behalf of a  
11 criminal street gang, (ii) an offense involving the use  
12 of a firearm in the commission of a felony, (iii) a  
13 Class X felony offense under or a second or subsequent  
14 Class 2 or greater felony offense under the Cannabis  
15 Control Act, (iv) a second or subsequent offense under  
16 Section 402 of the Illinois Controlled Substances Act,  
17 (v) an offense under Section 401 of the Illinois  
18 Controlled Substances Act, (vi) an act that would be a  
19 second or subsequent offense under Section 60 of the  
20 Methamphetamine Control and Community Protection Act,  
21 or (vii) an act that would be an offense under another  
22 Section of the Methamphetamine Control and Community  
23 Protection Act.

24 (D) Pending or following any adjudication of delinquency  
25 for any offense defined in Sections 11-1.20 through 11-1.60 or  
26 12-13 through 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the victim of any such offense shall  
2 receive the rights set out in Sections 4 and 6 of the Bill of  
3 Rights for Victims and Witnesses of Violent Crime Act; and the  
4 juvenile who is the subject of the adjudication,  
5 notwithstanding any other provision of this Act, shall be  
6 treated as an adult for the purpose of affording such rights to  
7 the victim.

8 (E) Nothing in this Section shall affect the right of a  
9 Civil Service Commission or appointing authority of any state,  
10 county or municipality examining the character and fitness of  
11 an applicant for employment with a law enforcement agency,  
12 correctional institution, or fire department to ascertain  
13 whether that applicant was ever adjudicated to be a delinquent  
14 minor and, if so, to examine the records of disposition or  
15 evidence which were made in proceedings under this Act.

16 (F) Following any adjudication of delinquency for a crime  
17 which would be a felony if committed by an adult, or following  
18 any adjudication of delinquency for a violation of Section  
19 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, the State's Attorney shall ascertain  
21 whether the minor respondent is enrolled in school and, if so,  
22 shall provide a copy of the dispositional order to the  
23 principal or chief administrative officer of the school. Access  
24 to such juvenile records shall be limited to the principal or  
25 chief administrative officer of the school and any guidance  
26 counselor designated by him.

1 (G) Nothing contained in this Act prevents the sharing or  
2 disclosure of information or records relating or pertaining to  
3 juveniles subject to the provisions of the Serious Habitual  
4 Offender Comprehensive Action Program when that information is  
5 used to assist in the early identification and treatment of  
6 habitual juvenile offenders.

7 (H) When a Court hearing a proceeding under Article II of  
8 this Act becomes aware that an earlier proceeding under Article  
9 II had been heard in a different county, that Court shall  
10 request, and the Court in which the earlier proceedings were  
11 initiated shall transmit, an authenticated copy of the Court  
12 record, including all documents, petitions, and orders filed  
13 therein and the minute orders, transcript of proceedings, and  
14 docket entries of the Court.

15 (I) The Clerk of the Circuit Court shall report to the  
16 Department of State Police, in the form and manner required by  
17 the Department of State Police, the final disposition of each  
18 minor who has been arrested or taken into custody before his or  
19 her 21st ~~18th~~ birthday for those offenses required to be  
20 reported under Section 5 of the Criminal Identification Act.  
21 Information reported to the Department under this Section may  
22 be maintained with records that the Department files under  
23 Section 2.1 of the Criminal Identification Act.

24 (J) The changes made to this Section by Public Act 98-61  
25 apply to law enforcement records of a minor who has been  
26 arrested or taken into custody on or after January 1, 2014 (the

1 effective date of Public Act 98-61).

2 (Source: P.A. 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;  
3 98-61, eff. 1-1-14; 98-552, eff. 8-27-13; 98-756, eff.  
4 7-16-14.)

5 (705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

6 Sec. 1-9. Expungement of law enforcement and juvenile court  
7 records.

8 (1) Expungement of law enforcement and juvenile court  
9 delinquency records shall be governed by Section 5-915.

10 (2) This subsection (2) applies to expungement of law  
11 enforcement and juvenile court records other than delinquency  
12 proceedings. Whenever any person has attained the age of 21 ~~18~~  
13 or whenever all juvenile court proceedings relating to that  
14 person have been terminated, whichever is later, the person may  
15 petition the court to expunge law enforcement records relating  
16 to incidents occurring before his 21st ~~18th~~ birthday or his  
17 juvenile court records, or both, if the minor was placed under  
18 supervision pursuant to Sections 2-20, 3-21, or 4-18, and such  
19 order of supervision has since been successfully terminated.

20 (3) The chief judge of the circuit in which an arrest was  
21 made or a charge was brought or any judge of that circuit  
22 designated by the chief judge may, upon verified petition of a  
23 person who is the subject of an arrest or a juvenile court  
24 proceeding pursuant to subsection (2) of this Section, order  
25 the law enforcement records or juvenile court records, or both,

1 to be expunged from the official records of the arresting  
2 authority and the clerk of the circuit court. Notice of the  
3 petition shall be served upon the State's Attorney and upon the  
4 arresting authority which is the subject of the petition for  
5 expungement.

6 (4) The changes made to this Section by this amendatory Act  
7 of the 98th General Assembly apply to law enforcement and  
8 juvenile court records of a minor who has been arrested or  
9 taken into custody on or after the effective date of this  
10 amendatory Act.

11 (Source: P.A. 98-61, eff. 1-1-14.)

12 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

13 Sec. 2-10. Temporary custody hearing. At the appearance of  
14 the minor before the court at the temporary custody hearing,  
15 all witnesses present shall be examined before the court in  
16 relation to any matter connected with the allegations made in  
17 the petition.

18 (1) If the court finds that there is not probable cause to  
19 believe that the minor is abused, neglected or dependent it  
20 shall release the minor and dismiss the petition.

21 (2) If the court finds that there is probable cause to  
22 believe that the minor is abused, neglected or dependent, the  
23 court shall state in writing the factual basis supporting its  
24 finding and the minor, his or her parent, guardian, custodian  
25 and other persons able to give relevant testimony shall be

1 examined before the court. The Department of Children and  
2 Family Services shall give testimony concerning indicated  
3 reports of abuse and neglect, of which they are aware of  
4 through the central registry, involving the minor's parent,  
5 guardian or custodian. After such testimony, the court may,  
6 consistent with the health, safety and best interests of the  
7 minor, enter an order that the minor shall be released upon the  
8 request of parent, guardian or custodian if the parent,  
9 guardian or custodian appears to take custody. If it is  
10 determined that a parent's, guardian's, or custodian's  
11 compliance with critical services mitigates the necessity for  
12 removal of the minor from his or her home, the court may enter  
13 an Order of Protection setting forth reasonable conditions of  
14 behavior that a parent, guardian, or custodian must observe for  
15 a specified period of time, not to exceed 12 months, without a  
16 violation; provided, however, that the 12-month period shall  
17 begin anew after any violation. Custodian shall include any  
18 agency of the State which has been given custody or wardship of  
19 the child. If it is consistent with the health, safety and best  
20 interests of the minor, the court may also prescribe shelter  
21 care and order that the minor be kept in a suitable place  
22 designated by the court or in a shelter care facility  
23 designated by the Department of Children and Family Services or  
24 a licensed child welfare agency; however, on and after January  
25 1, 2015 (the effective date of Public Act 98-803) ~~this~~  
26 ~~amendatory Act of the 98th General Assembly~~ and before January



1 1, 2017, a minor charged with a criminal offense under the  
2 Criminal Code of 1961 or the Criminal Code of 2012 or  
3 adjudicated delinquent shall not be placed in the custody of or  
4 committed to the Department of Children and Family Services by  
5 any court, except a minor less than 16 years of age and  
6 committed to the Department of Children and Family Services  
7 under Section 5-710 of this Act or a minor for whom an  
8 independent basis of abuse, neglect, or dependency exists; and  
9 on and after January 1, 2017, a minor charged with a criminal  
10 offense under the Criminal Code of 1961 or the Criminal Code of  
11 2012 or adjudicated delinquent shall not be placed in the  
12 custody of or committed to the Department of Children and  
13 Family Services by any court, except a minor less than 15 years  
14 of age and committed to the Department of Children and Family  
15 Services under Section 5-710 of this Act or a minor for whom an  
16 independent basis of abuse, neglect, or dependency exists. An  
17 independent basis exists when the allegations or adjudication  
18 of abuse, neglect, or dependency do not arise from the same  
19 facts, incident, or circumstances which give rise to a charge  
20 or adjudication of delinquency.

21 In placing the minor, the Department or other agency shall,  
22 to the extent compatible with the court's order, comply with  
23 Section 7 of the Children and Family Services Act. In  
24 determining the health, safety and best interests of the minor  
25 to prescribe shelter care, the court must find that it is a  
26 matter of immediate and urgent necessity for the safety and

1 protection of the minor or of the person or property of another  
2 that the minor be placed in a shelter care facility or that he  
3 or she is likely to flee the jurisdiction of the court, and  
4 must further find that reasonable efforts have been made or  
5 that, consistent with the health, safety and best interests of  
6 the minor, no efforts reasonably can be made to prevent or  
7 eliminate the necessity of removal of the minor from his or her  
8 home. The court shall require documentation from the Department  
9 of Children and Family Services as to the reasonable efforts  
10 that were made to prevent or eliminate the necessity of removal  
11 of the minor from his or her home or the reasons why no efforts  
12 reasonably could be made to prevent or eliminate the necessity  
13 of removal. When a minor is placed in the home of a relative,  
14 the Department of Children and Family Services shall complete a  
15 preliminary background review of the members of the minor's  
16 custodian's household in accordance with Section 4.3 of the  
17 Child Care Act of 1969 within 90 days of that placement. If the  
18 minor is ordered placed in a shelter care facility of the  
19 Department of Children and Family Services or a licensed child  
20 welfare agency, the court shall, upon request of the  
21 appropriate Department or other agency, appoint the Department  
22 of Children and Family Services Guardianship Administrator or  
23 other appropriate agency executive temporary custodian of the  
24 minor and the court may enter such other orders related to the  
25 temporary custody as it deems fit and proper, including the  
26 provision of services to the minor or his family to ameliorate

1 the causes contributing to the finding of probable cause or to  
2 the finding of the existence of immediate and urgent necessity.

3 Where the Department of Children and Family Services  
4 Guardianship Administrator is appointed as the executive  
5 temporary custodian, the Department of Children and Family  
6 Services shall file with the court and serve on the parties a  
7 parent-child visiting plan, within 10 days, excluding weekends  
8 and holidays, after the appointment. The parent-child visiting  
9 plan shall set out the time and place of visits, the frequency  
10 of visits, the length of visits, who shall be present at the  
11 visits, and where appropriate, the minor's opportunities to  
12 have telephone and mail communication with the parents.

13 Where the Department of Children and Family Services  
14 Guardianship Administrator is appointed as the executive  
15 temporary custodian, and when the child has siblings in care,  
16 the Department of Children and Family Services shall file with  
17 the court and serve on the parties a sibling placement and  
18 contact plan within 10 days, excluding weekends and holidays,  
19 after the appointment. The sibling placement and contact plan  
20 shall set forth whether the siblings are placed together, and  
21 if they are not placed together, what, if any, efforts are  
22 being made to place them together. If the Department has  
23 determined that it is not in a child's best interest to be  
24 placed with a sibling, the Department shall document in the  
25 sibling placement and contact plan the basis for its  
26 determination. For siblings placed separately, the sibling

1 placement and contact plan shall set the time and place for  
2 visits, the frequency of the visits, the length of visits, who  
3 shall be present for the visits, and where appropriate, the  
4 child's opportunities to have contact with their siblings in  
5 addition to in person contact. If the Department determines it  
6 is not in the best interest of a sibling to have contact with a  
7 sibling, the Department shall document in the sibling placement  
8 and contact plan the basis for its determination. The sibling  
9 placement and contact plan shall specify a date for development  
10 of the Sibling Contact Support Plan, under subsection (f) of  
11 Section 7.4 of the Children and Family Services Act, and shall  
12 remain in effect until the Sibling Contact Support Plan is  
13 developed.

14 For good cause, the court may waive the requirement to  
15 file the parent-child visiting plan or the sibling placement  
16 and contact plan, or extend the time for filing either plan.  
17 Any party may, by motion, request the court to review the  
18 parent-child visiting plan to determine whether it is  
19 reasonably calculated to expeditiously facilitate the  
20 achievement of the permanency goal. A party may, by motion,  
21 request the court to review the parent-child visiting plan or  
22 the sibling placement and contact plan to determine whether it  
23 is consistent with the minor's best interest. The court may  
24 refer the parties to mediation where available. The frequency,  
25 duration, and locations of visitation shall be measured by the  
26 needs of the child and family, and not by the convenience of

1 Department personnel. Child development principles shall be  
2 considered by the court in its analysis of how frequent  
3 visitation should be, how long it should last, where it should  
4 take place, and who should be present. If upon motion of the  
5 party to review either plan and after receiving evidence, the  
6 court determines that the parent-child visiting plan is not  
7 reasonably calculated to expeditiously facilitate the  
8 achievement of the permanency goal or that the restrictions  
9 placed on parent-child contact or sibling placement or contact  
10 are contrary to the child's best interests, the court shall put  
11 in writing the factual basis supporting the determination and  
12 enter specific findings based on the evidence. The court shall  
13 enter an order for the Department to implement changes to the  
14 parent-child visiting plan or sibling placement or contact  
15 plan, consistent with the court's findings. At any stage of  
16 proceeding, any party may by motion request the court to enter  
17 any orders necessary to implement the parent-child visiting  
18 plan, sibling placement or contact plan or subsequently  
19 developed Sibling Contact Support Plan. Nothing under this  
20 subsection (2) shall restrict the court from granting  
21 discretionary authority to the Department to increase  
22 opportunities for additional parent-child contacts or sibling  
23 contacts, without further court orders. Nothing in this  
24 subsection (2) shall restrict the Department from immediately  
25 restricting or terminating parent-child contact or sibling  
26 contacts, without either amending the parent-child visiting

1 plan or the sibling contact plan or obtaining a court order,  
2 where the Department or its assigns reasonably believe that  
3 continuation of the contact, as set out in the plan, would be  
4 contrary to the child's health, safety, and welfare. The  
5 Department shall file with the court and serve on the parties  
6 any amendments to the plan within 10 days, excluding weekends  
7 and holidays, of the change of the visitation.

8 Acceptance of services shall not be considered an admission  
9 of any allegation in a petition made pursuant to this Act, nor  
10 may a referral of services be considered as evidence in any  
11 proceeding pursuant to this Act, except where the issue is  
12 whether the Department has made reasonable efforts to reunite  
13 the family. In making its findings that it is consistent with  
14 the health, safety and best interests of the minor to prescribe  
15 shelter care, the court shall state in writing (i) the factual  
16 basis supporting its findings concerning the immediate and  
17 urgent necessity for the protection of the minor or of the  
18 person or property of another and (ii) the factual basis  
19 supporting its findings that reasonable efforts were made to  
20 prevent or eliminate the removal of the minor from his or her  
21 home or that no efforts reasonably could be made to prevent or  
22 eliminate the removal of the minor from his or her home. The  
23 parents, guardian, custodian, temporary custodian and minor  
24 shall each be furnished a copy of such written findings. The  
25 temporary custodian shall maintain a copy of the court order  
26 and written findings in the case record for the child. The

1 order together with the court's findings of fact in support  
2 thereof shall be entered of record in the court.

3 Once the court finds that it is a matter of immediate and  
4 urgent necessity for the protection of the minor that the minor  
5 be placed in a shelter care facility, the minor shall not be  
6 returned to the parent, custodian or guardian until the court  
7 finds that such placement is no longer necessary for the  
8 protection of the minor.

9 If the child is placed in the temporary custody of the  
10 Department of Children and Family Services for his or her  
11 protection, the court shall admonish the parents, guardian,  
12 custodian or responsible relative that the parents must  
13 cooperate with the Department of Children and Family Services,  
14 comply with the terms of the service plans, and correct the  
15 conditions which require the child to be in care, or risk  
16 termination of their parental rights.

17 (3) If prior to the shelter care hearing for a minor  
18 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party  
19 is unable to serve notice on the party respondent, the shelter  
20 care hearing may proceed ex parte ~~ex parte~~. A shelter care  
21 order from an ex parte ~~ex parte~~ hearing shall be endorsed with  
22 the date and hour of issuance and shall be filed with the  
23 clerk's office and entered of record. The order shall expire  
24 after 10 days from the time it is issued unless before its  
25 expiration it is renewed, at a hearing upon appearance of the  
26 party respondent, or upon an affidavit of the moving party as

1 to all diligent efforts to notify the party respondent by  
 2 notice as herein prescribed. The notice prescribed shall be in  
 3 writing and shall be personally delivered to the minor or the  
 4 minor's attorney and to the last known address of the other  
 5 person or persons entitled to notice. The notice shall also  
 6 state the nature of the allegations, the nature of the order  
 7 sought by the State, including whether temporary custody is  
 8 sought, and the consequences of failure to appear and shall  
 9 contain a notice that the parties will not be entitled to  
 10 further written notices or publication notices of proceedings  
 11 in this case, including the filing of an amended petition or a  
 12 motion to terminate parental rights, except as required by  
 13 Supreme Court Rule 11; and shall explain the right of the  
 14 parties and the procedures to vacate or modify a shelter care  
 15 order as provided in this Section. The notice for a shelter  
 16 care hearing shall be substantially as follows:

17 NOTICE TO PARENTS AND CHILDREN  
 18 OF SHELTER CARE HEARING

19 On ..... at ....., before the Honorable  
 20 ....., (address:) ....., the State  
 21 of Illinois will present evidence (1) that (name of child  
 22 or children) ..... are abused, neglected  
 23 or dependent for the following reasons:  
 24 ..... and (2)  
 25 whether there is "immediate and urgent necessity" to remove  
 26 the child or children from the responsible relative.





1 TO REHEARING ON TEMPORARY CUSTODY

2 If you were not present at and did not have adequate  
3 notice of the Shelter Care Hearing at which temporary  
4 custody of ..... was awarded to  
5 ....., you have the right to request a full  
6 rehearing on whether the State should have temporary  
7 custody of ..... To request this rehearing,  
8 you must file with the Clerk of the Juvenile Court  
9 (address): ....., in person or by  
10 mailing a statement (affidavit) setting forth the  
11 following:

- 12 1. That you were not present at the shelter care
- 13 hearing.
- 14 2. That you did not get adequate notice (explaining
- 15 how the notice was inadequate).
- 16 3. Your signature.
- 17 4. Signature must be notarized.

18 The rehearing should be scheduled within 48 hours of  
19 your filing this affidavit.

20 At the rehearing, your rights are the same as at the  
21 initial shelter care hearing. The enclosed notice explains  
22 those rights.

23 At the Shelter Care Hearing, children have the  
24 following rights:

- 25 1. To have a guardian ad litem appointed.
- 26 2. To be declared competent as a witness and to

1 present testimony concerning:

2 a. Whether they are abused, neglected or  
3 dependent.

4 b. Whether there is "immediate and urgent  
5 necessity" to be removed from home.

6 c. Their best interests.

7 3. To cross examine witnesses for other parties.

8 4. To obtain an explanation of any proceedings and  
9 orders of the court.

10 (4) If the parent, guardian, legal custodian, responsible  
11 relative, minor age 8 or over, or counsel of the minor did not  
12 have actual notice of or was not present at the shelter care  
13 hearing, he or she may file an affidavit setting forth these  
14 facts, and the clerk shall set the matter for rehearing not  
15 later than 48 hours, excluding Sundays and legal holidays,  
16 after the filing of the affidavit. At the rehearing, the court  
17 shall proceed in the same manner as upon the original hearing.

18 (5) Only when there is reasonable cause to believe that the  
19 minor taken into custody is a person described in subsection  
20 (3) of Section 5-105 may the minor be kept or detained in a  
21 detention home or county or municipal jail. This Section shall  
22 in no way be construed to limit subsection (6).

23 (6) No minor under 16 years of age may be confined in a  
24 jail or place ordinarily used for the confinement of prisoners  
25 in a police station. Minors under 21 ~~18~~ years of age must be  
26 kept separate from confined adults and may not at any time be

1 kept in the same cell, room, or yard with adults confined  
2 pursuant to the criminal law.

3 (7) If the minor is not brought before a judicial officer  
4 within the time period as specified in Section 2-9, the minor  
5 must immediately be released from custody.

6 (8) If neither the parent, guardian or custodian appears  
7 within 24 hours to take custody of a minor released upon  
8 request pursuant to subsection (2) of this Section, then the  
9 clerk of the court shall set the matter for rehearing not later  
10 than 7 days after the original order and shall issue a summons  
11 directed to the parent, guardian or custodian to appear. At the  
12 same time the probation department shall prepare a report on  
13 the minor. If a parent, guardian or custodian does not appear  
14 at such rehearing, the judge may enter an order prescribing  
15 that the minor be kept in a suitable place designated by the  
16 Department of Children and Family Services or a licensed child  
17 welfare agency.

18 (9) Notwithstanding any other provision of this Section any  
19 interested party, including the State, the temporary  
20 custodian, an agency providing services to the minor or family  
21 under a service plan pursuant to Section 8.2 of the Abused and  
22 Neglected Child Reporting Act, foster parent, or any of their  
23 representatives, on notice to all parties entitled to notice,  
24 may file a motion that it is in the best interests of the minor  
25 to modify or vacate a temporary custody order on any of the  
26 following grounds:

1           (a) It is no longer a matter of immediate and urgent  
2 necessity that the minor remain in shelter care; or

3           (b) There is a material change in the circumstances of  
4 the natural family from which the minor was removed and the  
5 child can be cared for at home without endangering the  
6 child's health or safety; or

7           (c) A person not a party to the alleged abuse, neglect  
8 or dependency, including a parent, relative or legal  
9 guardian, is capable of assuming temporary custody of the  
10 minor; or

11           (d) Services provided by the Department of Children and  
12 Family Services or a child welfare agency or other service  
13 provider have been successful in eliminating the need for  
14 temporary custody and the child can be cared for at home  
15 without endangering the child's health or safety.

16           In ruling on the motion, the court shall determine whether  
17 it is consistent with the health, safety and best interests of  
18 the minor to modify or vacate a temporary custody order.

19           The clerk shall set the matter for hearing not later than  
20 14 days after such motion is filed. In the event that the court  
21 modifies or vacates a temporary custody order but does not  
22 vacate its finding of probable cause, the court may order that  
23 appropriate services be continued or initiated in behalf of the  
24 minor and his or her family.

25           (10) When the court finds or has found that there is  
26 probable cause to believe a minor is an abused minor as

1 described in subsection (2) of Section 2-3 and that there is an  
2 immediate and urgent necessity for the abused minor to be  
3 placed in shelter care, immediate and urgent necessity shall be  
4 presumed for any other minor residing in the same household as  
5 the abused minor provided:

6 (a) Such other minor is the subject of an abuse or  
7 neglect petition pending before the court; and

8 (b) A party to the petition is seeking shelter care for  
9 such other minor.

10 Once the presumption of immediate and urgent necessity has  
11 been raised, the burden of demonstrating the lack of immediate  
12 and urgent necessity shall be on any party that is opposing  
13 shelter care for the other minor.

14 (11) The changes made to this Section by Public Act 98-61  
15 apply to a minor who has been arrested or taken into custody on  
16 or after January 1, 2014 (the effective date of Public Act  
17 98-61).

18 (Source: P.A. 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13;  
19 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 98-803, eff. 1-1-15;  
20 revised 10-16-15.)

21 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

22 Sec. 3-12. Shelter care hearing. At the appearance of the  
23 minor before the court at the shelter care hearing, all  
24 witnesses present shall be examined before the court in  
25 relation to any matter connected with the allegations made in

1 the petition.

2 (1) If the court finds that there is not probable cause to  
3 believe that the minor is a person requiring authoritative  
4 intervention, it shall release the minor and dismiss the  
5 petition.

6 (2) If the court finds that there is probable cause to  
7 believe that the minor is a person requiring authoritative  
8 intervention, the minor, his or her parent, guardian, custodian  
9 and other persons able to give relevant testimony shall be  
10 examined before the court. After such testimony, the court may  
11 enter an order that the minor shall be released upon the  
12 request of a parent, guardian or custodian if the parent,  
13 guardian or custodian appears to take custody. Custodian shall  
14 include any agency of the State which has been given custody or  
15 wardship of the child. The Court shall require documentation by  
16 representatives of the Department of Children and Family  
17 Services or the probation department as to the reasonable  
18 efforts that were made to prevent or eliminate the necessity of  
19 removal of the minor from his or her home, and shall consider  
20 the testimony of any person as to those reasonable efforts. If  
21 the court finds that it is a matter of immediate and urgent  
22 necessity for the protection of the minor or of the person or  
23 property of another that the minor be placed in a shelter care  
24 facility, or that he or she is likely to flee the jurisdiction  
25 of the court, and further finds that reasonable efforts have  
26 been made or good cause has been shown why reasonable efforts

1 cannot prevent or eliminate the necessity of removal of the  
2 minor from his or her home, the court may prescribe shelter  
3 care and order that the minor be kept in a suitable place  
4 designated by the court or in a shelter care facility  
5 designated by the Department of Children and Family Services or  
6 a licensed child welfare agency; otherwise it shall release the  
7 minor from custody. If the court prescribes shelter care, then  
8 in placing the minor, the Department or other agency shall, to  
9 the extent compatible with the court's order, comply with  
10 Section 7 of the Children and Family Services Act. If the minor  
11 is ordered placed in a shelter care facility of the Department  
12 of Children and Family Services or a licensed child welfare  
13 agency, the court shall, upon request of the Department or  
14 other agency, appoint the Department of Children and Family  
15 Services Guardianship Administrator or other appropriate  
16 agency executive temporary custodian of the minor and the court  
17 may enter such other orders related to the temporary custody as  
18 it deems fit and proper, including the provision of services to  
19 the minor or his family to ameliorate the causes contributing  
20 to the finding of probable cause or to the finding of the  
21 existence of immediate and urgent necessity. Acceptance of  
22 services shall not be considered an admission of any allegation  
23 in a petition made pursuant to this Act, nor may a referral of  
24 services be considered as evidence in any proceeding pursuant  
25 to this Act, except where the issue is whether the Department  
26 has made reasonable efforts to reunite the family. In making



1 its findings that reasonable efforts have been made or that  
2 good cause has been shown why reasonable efforts cannot prevent  
3 or eliminate the necessity of removal of the minor from his or  
4 her home, the court shall state in writing its findings  
5 concerning the nature of the services that were offered or the  
6 efforts that were made to prevent removal of the child and the  
7 apparent reasons that such services or efforts could not  
8 prevent the need for removal. The parents, guardian, custodian,  
9 temporary custodian and minor shall each be furnished a copy of  
10 such written findings. The temporary custodian shall maintain a  
11 copy of the court order and written findings in the case record  
12 for the child.

13 The order together with the court's findings of fact and  
14 support thereof shall be entered of record in the court.

15 Once the court finds that it is a matter of immediate and  
16 urgent necessity for the protection of the minor that the minor  
17 be placed in a shelter care facility, the minor shall not be  
18 returned to the parent, custodian or guardian until the court  
19 finds that such placement is no longer necessary for the  
20 protection of the minor.

21 (3) If prior to the shelter care hearing for a minor  
22 described in Sections 2-3, 2-4, 3-3, and 4-3 the petitioner is  
23 unable to serve notice on the party respondent, the shelter  
24 care hearing may proceed ex parte ~~ex parte~~. A shelter care  
25 order from an ex parte ~~ex parte~~ hearing shall be endorsed with  
26 the date and hour of issuance and shall be filed with the

1 clerk's office and entered of record. The order shall expire  
 2 after 10 days from the time it is issued unless before its  
 3 expiration it is renewed, at a hearing upon appearance of the  
 4 party respondent, or upon an affidavit of the moving party as  
 5 to all diligent efforts to notify the party respondent by  
 6 notice as herein prescribed. The notice prescribed shall be in  
 7 writing and shall be personally delivered to the minor or the  
 8 minor's attorney and to the last known address of the other  
 9 person or persons entitled to notice. The notice shall also  
 10 state the nature of the allegations, the nature of the order  
 11 sought by the State, including whether temporary custody is  
 12 sought, and the consequences of failure to appear; and shall  
 13 explain the right of the parties and the procedures to vacate  
 14 or modify a shelter care order as provided in this Section. The  
 15 notice for a shelter care hearing shall be substantially as  
 16 follows:

17 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

18 On ..... at ....., before the Honorable  
 19 ....., (address:) ....., the State of  
 20 Illinois will present evidence (1) that (name of child or  
 21 children) ..... are abused, neglected or  
 22 dependent for the following reasons:

23 .....  
 24 and (2) that there is "immediate and urgent necessity" to  
 25 remove the child or children from the responsible relative.

26 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN

1 PLACEMENT of the child or children in foster care until a trial  
2 can be held. A trial may not be held for up to 90 days.

3 At the shelter care hearing, parents have the following  
4 rights:

5 1. To ask the court to appoint a lawyer if they cannot  
6 afford one.

7 2. To ask the court to continue the hearing to allow  
8 them time to prepare.

9 3. To present evidence concerning:

10 a. Whether or not the child or children were  
11 abused, neglected or dependent.

12 b. Whether or not there is "immediate and urgent  
13 necessity" to remove the child from home (including:  
14 their ability to care for the child, conditions in the  
15 home, alternative means of protecting the child other  
16 than removal).

17 c. The best interests of the child.

18 4. To cross examine the State's witnesses.

19 The Notice for rehearings shall be substantially as  
20 follows:

21 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

22 TO REHEARING ON TEMPORARY CUSTODY

23 If you were not present at and did not have adequate notice  
24 of the Shelter Care Hearing at which temporary custody of  
25 ..... was awarded to ....., you have the  
26 right to request a full rehearing on whether the State should

1 have temporary custody of ..... To request this  
2 rehearing, you must file with the Clerk of the Juvenile Court  
3 (address): ....., in person or by mailing a  
4 statement (affidavit) setting forth the following:

- 5 1. That you were not present at the shelter care  
6 hearing.
- 7 2. That you did not get adequate notice (explaining how  
8 the notice was inadequate).
- 9 3. Your signature.
- 10 4. Signature must be notarized.

11 The rehearing should be scheduled within one day of your  
12 filing this affidavit.

13 At the rehearing, your rights are the same as at the  
14 initial shelter care hearing. The enclosed notice explains  
15 those rights.

16 At the Shelter Care Hearing, children have the following  
17 rights:

- 18 1. To have a guardian ad litem appointed.
- 19 2. To be declared competent as a witness and to present  
20 testimony concerning:
  - 21 a. Whether they are abused, neglected or  
22 dependent.
  - 23 b. Whether there is "immediate and urgent  
24 necessity" to be removed from home.
  - 25 c. Their best interests.
- 26 3. To cross examine witnesses for other parties.

1           4. To obtain an explanation of any proceedings and  
2 orders of the court.

3           (4) If the parent, guardian, legal custodian, responsible  
4 relative, or counsel of the minor did not have actual notice of  
5 or was not present at the shelter care hearing, he or she may  
6 file an affidavit setting forth these facts, and the clerk  
7 shall set the matter for rehearing not later than 48 hours,  
8 excluding Sundays and legal holidays, after the filing of the  
9 affidavit. At the rehearing, the court shall proceed in the  
10 same manner as upon the original hearing.

11           (5) Only when there is reasonable cause to believe that the  
12 minor taken into custody is a person described in subsection  
13 (3) of Section 5-105 may the minor be kept or detained in a  
14 detention home or county or municipal jail. This Section shall  
15 in no way be construed to limit subsection (6).

16           (6) No minor under 16 years of age may be confined in a  
17 jail or place ordinarily used for the confinement of prisoners  
18 in a police station. Minors under 21 ~~18~~ years of age must be  
19 kept separate from confined adults and may not at any time be  
20 kept in the same cell, room, or yard with adults confined  
21 pursuant to the criminal law.

22           (7) If the minor is not brought before a judicial officer  
23 within the time period specified in Section 3-11, the minor  
24 must immediately be released from custody.

25           (8) If neither the parent, guardian or custodian appears  
26 within 24 hours to take custody of a minor released upon

1 request pursuant to subsection (2) of this Section, then the  
2 clerk of the court shall set the matter for rehearing not later  
3 than 7 days after the original order and shall issue a summons  
4 directed to the parent, guardian or custodian to appear. At the  
5 same time the probation department shall prepare a report on  
6 the minor. If a parent, guardian or custodian does not appear  
7 at such rehearing, the judge may enter an order prescribing  
8 that the minor be kept in a suitable place designated by the  
9 Department of Children and Family Services or a licensed child  
10 welfare agency.

11 (9) Notwithstanding any other provision of this Section,  
12 any interested party, including the State, the temporary  
13 custodian, an agency providing services to the minor or family  
14 under a service plan pursuant to Section 8.2 of the Abused and  
15 Neglected Child Reporting Act, foster parent, or any of their  
16 representatives, on notice to all parties entitled to notice,  
17 may file a motion to modify or vacate a temporary custody order  
18 on any of the following grounds:

19 (a) It is no longer a matter of immediate and urgent  
20 necessity that the minor remain in shelter care; or

21 (b) There is a material change in the circumstances of  
22 the natural family from which the minor was removed; or

23 (c) A person, including a parent, relative or legal  
24 guardian, is capable of assuming temporary custody of the  
25 minor; or

26 (d) Services provided by the Department of Children and

1 Family Services or a child welfare agency or other service  
2 provider have been successful in eliminating the need for  
3 temporary custody.

4 The clerk shall set the matter for hearing not later than  
5 14 days after such motion is filed. In the event that the court  
6 modifies or vacates a temporary custody order but does not  
7 vacate its finding of probable cause, the court may order that  
8 appropriate services be continued or initiated in behalf of the  
9 minor and his or her family.

10 (10) The changes made to this Section by Public Act 98-61  
11 apply to a minor who has been arrested or taken into custody on  
12 or after January 1, 2014 (the effective date of Public Act  
13 98-61).

14 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; revised  
15 10-16-15.)

16 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

17 Sec. 4-9. Shelter care hearing. At the appearance of the  
18 minor before the court at the shelter care hearing, all  
19 witnesses present shall be examined before the court in  
20 relation to any matter connected with the allegations made in  
21 the petition.

22 (1) If the court finds that there is not probable cause to  
23 believe that the minor is addicted, it shall release the minor  
24 and dismiss the petition.

25 (2) If the court finds that there is probable cause to

1 believe that the minor is addicted, the minor, his or her  
2 parent, guardian, custodian and other persons able to give  
3 relevant testimony shall be examined before the court. After  
4 such testimony, the court may enter an order that the minor  
5 shall be released upon the request of a parent, guardian or  
6 custodian if the parent, guardian or custodian appears to take  
7 custody and agrees to abide by a court order which requires the  
8 minor and his or her parent, guardian, or legal custodian to  
9 complete an evaluation by an entity licensed by the Department  
10 of Human Services, as the successor to the Department of  
11 Alcoholism and Substance Abuse, and complete any treatment  
12 recommendations indicated by the assessment. Custodian shall  
13 include any agency of the State which has been given custody or  
14 wardship of the child.

15 The Court shall require documentation by representatives  
16 of the Department of Children and Family Services or the  
17 probation department as to the reasonable efforts that were  
18 made to prevent or eliminate the necessity of removal of the  
19 minor from his or her home, and shall consider the testimony of  
20 any person as to those reasonable efforts. If the court finds  
21 that it is a matter of immediate and urgent necessity for the  
22 protection of the minor or of the person or property of another  
23 that the minor be or placed in a shelter care facility or that  
24 he or she is likely to flee the jurisdiction of the court, and  
25 further, finds that reasonable efforts have been made or good  
26 cause has been shown why reasonable efforts cannot prevent or



1 eliminate the necessity of removal of the minor from his or her  
2 home, the court may prescribe shelter care and order that the  
3 minor be kept in a suitable place designated by the court or in  
4 a shelter care facility designated by the Department of  
5 Children and Family Services or a licensed child welfare  
6 agency, or in a facility or program licensed by the Department  
7 of Human Services for shelter and treatment services; otherwise  
8 it shall release the minor from custody. If the court  
9 prescribes shelter care, then in placing the minor, the  
10 Department or other agency shall, to the extent compatible with  
11 the court's order, comply with Section 7 of the Children and  
12 Family Services Act. If the minor is ordered placed in a  
13 shelter care facility of the Department of Children and Family  
14 Services or a licensed child welfare agency, or in a facility  
15 or program licensed by the Department of Human Services for  
16 shelter and treatment services, the court shall, upon request  
17 of the appropriate Department or other agency, appoint the  
18 Department of Children and Family Services Guardianship  
19 Administrator or other appropriate agency executive temporary  
20 custodian of the minor and the court may enter such other  
21 orders related to the temporary custody as it deems fit and  
22 proper, including the provision of services to the minor or his  
23 family to ameliorate the causes contributing to the finding of  
24 probable cause or to the finding of the existence of immediate  
25 and urgent necessity. Acceptance of services shall not be  
26 considered an admission of any allegation in a petition made

1 pursuant to this Act, nor may a referral of services be  
2 considered as evidence in any proceeding pursuant to this Act,  
3 except where the issue is whether the Department has made  
4 reasonable efforts to reunite the family. In making its  
5 findings that reasonable efforts have been made or that good  
6 cause has been shown why reasonable efforts cannot prevent or  
7 eliminate the necessity of removal of the minor from his or her  
8 home, the court shall state in writing its findings concerning  
9 the nature of the services that were offered or the efforts  
10 that were made to prevent removal of the child and the apparent  
11 reasons that such services or efforts could not prevent the  
12 need for removal. The parents, guardian, custodian, temporary  
13 custodian and minor shall each be furnished a copy of such  
14 written findings. The temporary custodian shall maintain a copy  
15 of the court order and written findings in the case record for  
16 the child. The order together with the court's findings of fact  
17 in support thereof shall be entered of record in the court.

18       Once the court finds that it is a matter of immediate and  
19 urgent necessity for the protection of the minor that the minor  
20 be placed in a shelter care facility, the minor shall not be  
21 returned to the parent, custodian or guardian until the court  
22 finds that such placement is no longer necessary for the  
23 protection of the minor.

24       (3) If neither the parent, guardian, legal custodian,  
25 responsible relative nor counsel of the minor has had actual  
26 notice of or is present at the shelter care hearing, he or she

1 may file his or her affidavit setting forth these facts, and  
2 the clerk shall set the matter for rehearing not later than 24  
3 hours, excluding Sundays and legal holidays, after the filing  
4 of the affidavit. At the rehearing, the court shall proceed in  
5 the same manner as upon the original hearing.

6 (4) If the minor is not brought before a judicial officer  
7 within the time period as specified in Section 4-8, the minor  
8 must immediately be released from custody.

9 (5) Only when there is reasonable cause to believe that the  
10 minor taken into custody is a person described in subsection  
11 (3) of Section 5-105 may the minor be kept or detained in a  
12 detention home or county or municipal jail. This Section shall  
13 in no way be construed to limit subsection (6).

14 (6) No minor under 16 years of age may be confined in a  
15 jail or place ordinarily used for the confinement of prisoners  
16 in a police station. Minors under 21 ~~18~~ years of age must be  
17 kept separate from confined adults and may not at any time be  
18 kept in the same cell, room or yard with adults confined  
19 pursuant to the criminal law.

20 (7) If neither the parent, guardian or custodian appears  
21 within 24 hours to take custody of a minor released upon  
22 request pursuant to subsection (2) of this Section, then the  
23 clerk of the court shall set the matter for rehearing not later  
24 than 7 days after the original order and shall issue a summons  
25 directed to the parent, guardian or custodian to appear. At the  
26 same time the probation department shall prepare a report on

1 the minor. If a parent, guardian or custodian does not appear  
2 at such rehearing, the judge may enter an order prescribing  
3 that the minor be kept in a suitable place designated by the  
4 Department of Children and Family Services or a licensed child  
5 welfare agency.

6 (8) Any interested party, including the State, the  
7 temporary custodian, an agency providing services to the minor  
8 or family under a service plan pursuant to Section 8.2 of the  
9 Abused and Neglected Child Reporting Act, foster parent, or any  
10 of their representatives, may file a motion to modify or vacate  
11 a temporary custody order on any of the following grounds:

12 (a) It is no longer a matter of immediate and urgent  
13 necessity that the minor remain in shelter care; or

14 (b) There is a material change in the circumstances of  
15 the natural family from which the minor was removed; or

16 (c) A person, including a parent, relative or legal  
17 guardian, is capable of assuming temporary custody of the  
18 minor; or

19 (d) Services provided by the Department of Children and  
20 Family Services or a child welfare agency or other service  
21 provider have been successful in eliminating the need for  
22 temporary custody.

23 The clerk shall set the matter for hearing not later than  
24 14 days after such motion is filed. In the event that the court  
25 modifies or vacates a temporary custody order but does not  
26 vacate its finding of probable cause, the court may order that

1 appropriate services be continued or initiated in behalf of the  
2 minor and his or her family.

3 (9) The changes made to this Section by Public Act 98-61  
4 apply to a minor who has been arrested or taken into custody on  
5 or after January 1, 2014 (the effective date of Public Act  
6 98-61).

7 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14.)

8 (705 ILCS 405/5-105)

9 Sec. 5-105. Definitions. As used in this Article:

10 (1) "Aftercare release" means the conditional and  
11 revocable release of an adjudicated delinquent juvenile  
12 committed to the Department of Juvenile Justice under the  
13 supervision of the Department of Juvenile Justice.

14 (1.5) "Court" means the circuit court in a session or  
15 division assigned to hear proceedings under this Act, and  
16 includes the term Juvenile Court.

17 (2) "Community service" means uncompensated labor for  
18 a community service agency as hereinafter defined.

19 (2.5) "Community service agency" means a  
20 not-for-profit organization, community organization,  
21 church, charitable organization, individual, public  
22 office, or other public body whose purpose is to enhance  
23 the physical or mental health of a delinquent minor or to  
24 rehabilitate the minor, or to improve the environmental  
25 quality or social welfare of the community which agrees to

1 accept community service from juvenile delinquents and to  
2 report on the progress of the community service to the  
3 State's Attorney pursuant to an agreement or to the court  
4 or to any agency designated by the court or to the  
5 authorized diversion program that has referred the  
6 delinquent minor for community service.

7 (3) "Delinquent minor" means any minor who prior to his  
8 or her 21st ~~18th~~ birthday has violated or attempted to  
9 violate, regardless of where the act occurred, any federal,  
10 State, county or municipal law or ordinance.

11 (4) "Department" means the Department of Human  
12 Services unless specifically referenced as another  
13 department.

14 (5) "Detention" means the temporary care of a minor who  
15 is alleged to be or has been adjudicated delinquent and who  
16 requires secure custody for the minor's own protection or  
17 the community's protection in a facility designed to  
18 physically restrict the minor's movements, pending  
19 disposition by the court or execution of an order of the  
20 court for placement or commitment. Design features that  
21 physically restrict movement include, but are not limited  
22 to, locked rooms and the secure handcuffing of a minor to a  
23 rail or other stationary object. In addition, "detention"  
24 includes the court ordered care of an alleged or  
25 adjudicated delinquent minor who requires secure custody  
26 pursuant to Section 5-125 of this Act.



1 This term would also encompass any program or service  
2 consistent with the purpose of those programs and services  
3 enumerated in this subsection.

4 (9) "Juvenile police officer" means a sworn police  
5 officer who has completed a Basic Recruit Training Course,  
6 has been assigned to the position of juvenile police  
7 officer by his or her chief law enforcement officer and has  
8 completed the necessary juvenile officers training as  
9 prescribed by the Illinois Law Enforcement Training  
10 Standards Board, or in the case of a State police officer,  
11 juvenile officer training approved by the Director of State  
12 Police.

13 (10) "Minor" means a person under the age of 21 years  
14 subject to this Act.

15 (11) "Non-secure custody" means confinement where the  
16 minor is not physically restricted by being placed in a  
17 locked cell or room, by being handcuffed to a rail or other  
18 stationary object, or by other means. Non-secure custody  
19 may include, but is not limited to, electronic monitoring,  
20 foster home placement, home confinement, group home  
21 placement, or physical restriction of movement or activity  
22 solely through facility staff.

23 (12) "Public or community service" means uncompensated  
24 labor for a not-for-profit organization or public body  
25 whose purpose is to enhance physical or mental stability of  
26 the offender, environmental quality or the social welfare



1 and which agrees to accept public or community service from  
2 offenders and to report on the progress of the offender and  
3 the public or community service to the court or to the  
4 authorized diversion program that has referred the  
5 offender for public or community service. "Public or  
6 community service" does not include blood donation or  
7 assignment to labor at a blood bank. For the purposes of  
8 this Act, "blood bank" has the meaning ascribed to the term  
9 in Section 2-124 of the Illinois Clinical Laboratory and  
10 Blood Bank Act.

11 (13) "Sentencing hearing" means a hearing to determine  
12 whether a minor should be adjudged a ward of the court, and  
13 to determine what sentence should be imposed on the minor.  
14 It is the intent of the General Assembly that the term  
15 "sentencing hearing" replace the term "dispositional  
16 hearing" and be synonymous with that definition as it was  
17 used in the Juvenile Court Act of 1987.

18 (14) "Shelter" means the temporary care of a minor in  
19 physically unrestricting facilities pending court  
20 disposition or execution of court order for placement.

21 (15) "Site" means a not-for-profit organization,  
22 public body, church, charitable organization, or  
23 individual agreeing to accept community service from  
24 offenders and to report on the progress of ordered or  
25 required public or community service to the court or to the  
26 authorized diversion program that has referred the

1 offender for public or community service.

2 (16) "Station adjustment" means the informal or formal  
3 handling of an alleged offender by a juvenile police  
4 officer.

5 (17) "Trial" means a hearing to determine whether the  
6 allegations of a petition under Section 5-520 that a minor  
7 is delinquent are proved beyond a reasonable doubt. It is  
8 the intent of the General Assembly that the term "trial"  
9 replace the term "adjudicatory hearing" and be synonymous  
10 with that definition as it was used in the Juvenile Court  
11 Act of 1987.

12 The changes made to this Section by Public Act 98-61 apply  
13 to violations or attempted violations committed on or after  
14 January 1, 2014 (the effective date of Public Act 98-61).

15 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,  
16 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,  
17 eff. 7-20-15.)

18 (705 ILCS 405/5-120)

19 Sec. 5-120. Exclusive jurisdiction. Proceedings may be  
20 instituted under the provisions of this Article concerning any  
21 minor who prior to his or her 21st ~~18th~~ birthday has violated  
22 or attempted to violate, regardless of where the act occurred,  
23 any federal, State, county or municipal law or ordinance.  
24 Except as provided in Sections 5-125, 5-130, 5-805, and 5-810  
25 of this Article, no minor who was under 21 ~~18~~ years of age at

1 the time of the alleged offense may be prosecuted under the  
2 criminal laws of this State.

3 The changes made to this Section by this amendatory Act of  
4 the 98th General Assembly apply to violations or attempted  
5 violations committed on or after the effective date of this  
6 amendatory Act.

7 The changes made to this Section by this amendatory Act of  
8 the 99th General Assembly apply to violations or attempted  
9 violations committed on or after the effective date of this  
10 amendatory Act.

11 (Source: P.A. 98-61, eff. 1-1-14.)

12 (705 ILCS 405/5-130)

13 Sec. 5-130. Excluded jurisdiction.

14 (1)(a) The definition of delinquent minor under Section  
15 5-120 of this Article shall not apply to any minor who at the  
16 time of an offense was at least 16 years of age and who is  
17 charged with: (i) first degree murder, (ii) aggravated criminal  
18 sexual assault, or (iii) aggravated battery with a firearm as  
19 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
20 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally  
21 discharged a firearm as defined in Section 2-15.5 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 These charges and all other charges arising out of the same  
24 incident shall be prosecuted under the criminal laws of this  
25 State.

1 (b) (i) If before trial or plea an information or indictment  
2 is filed that does not charge an offense specified in paragraph  
3 (a) of this subsection (1) the State's Attorney may proceed on  
4 any lesser charge or charges, but only in Juvenile Court under  
5 the provisions of this Article. The State's Attorney may  
6 proceed on a lesser charge if before trial the minor defendant  
7 knowingly and with advice of counsel waives, in writing, his or  
8 her right to have the matter proceed in Juvenile Court.

9 (ii) If before trial or plea an information or indictment  
10 is filed that includes one or more charges specified in  
11 paragraph (a) of this subsection (1) and additional charges  
12 that are not specified in that paragraph, all of the charges  
13 arising out of the same incident shall be prosecuted under the  
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 (c) (i) If after trial or plea the minor is convicted of any  
16 offense covered by paragraph (a) of this subsection (1), then,  
17 in sentencing the minor, the court shall sentence the minor  
18 under Section 5-4.5-105 of the Unified Code of Corrections.

19 (ii) If after trial or plea the court finds that the minor  
20 committed an offense not covered by paragraph (a) of this  
21 subsection (1), that finding shall not invalidate the verdict  
22 or the prosecution of the minor under the criminal laws of the  
23 State; however, unless the State requests a hearing for the  
24 purpose of sentencing the minor under Chapter V of the Unified  
25 Code of Corrections, the Court must proceed under Sections  
26 5-705 and 5-710 of this Article. To request a hearing, the

1 State must file a written motion within 10 days following the  
2 entry of a finding or the return of a verdict. Reasonable  
3 notice of the motion shall be given to the minor or his or her  
4 counsel. If the motion is made by the State, the court shall  
5 conduct a hearing to determine if the minor should be sentenced  
6 under Chapter V of the Unified Code of Corrections. In making  
7 its determination, the court shall consider among other  
8 matters: (a) whether there is evidence that the offense was  
9 committed in an aggressive and premeditated manner; (b) the age  
10 of the minor; (c) the previous history of the minor; (d)  
11 whether there are facilities particularly available to the  
12 Juvenile Court or the Department of Juvenile Justice for the  
13 treatment and rehabilitation of the minor; (e) whether the  
14 security of the public requires sentencing under Chapter V of  
15 the Unified Code of Corrections; and (f) whether the minor  
16 possessed a deadly weapon when committing the offense. The  
17 rules of evidence shall be the same as if at trial. If after  
18 the hearing the court finds that the minor should be sentenced  
19 under Chapter V of the Unified Code of Corrections, then the  
20 court shall sentence the minor under Section 5-4.5-105 of the  
21 Unified Code of Corrections.

22 (2) (Blank).

23 (3) (Blank).

24 (4) (Blank).

25 (5) (Blank).

26 (6) (Blank).

1           (7) The procedures set out in this Article for the  
2 investigation, arrest and prosecution of juvenile offenders  
3 shall not apply to minors who are excluded from jurisdiction of  
4 the Juvenile Court, except that minors under 21 ~~18~~ years of age  
5 shall be kept separate from confined adults.

6           (8) Nothing in this Act prohibits or limits the prosecution  
7 of any minor for an offense committed on or after his or her  
8 21st ~~18th~~ birthday even though he or she is at the time of the  
9 offense a ward of the court.

10          (9) If an original petition for adjudication of wardship  
11 alleges the commission by a minor 13 years of age or over of an  
12 act that constitutes a crime under the laws of this State, the  
13 minor, with the consent of his or her counsel, may, at any time  
14 before commencement of the adjudicatory hearing, file with the  
15 court a motion that criminal prosecution be ordered and that  
16 the petition be dismissed insofar as the act or acts involved  
17 in the criminal proceedings are concerned. If such a motion is  
18 filed as herein provided, the court shall enter its order  
19 accordingly.

20          (10) If, prior to August 12, 2005 (the effective date of  
21 Public Act 94-574), a minor is charged with a violation of  
22 Section 401 of the Illinois Controlled Substances Act under the  
23 criminal laws of this State, other than a minor charged with a  
24 Class X felony violation of the Illinois Controlled Substances  
25 Act or the Methamphetamine Control and Community Protection  
26 Act, any party including the minor or the court sua sponte may,

1 before trial, move for a hearing for the purpose of trying and  
2 sentencing the minor as a delinquent minor. To request a  
3 hearing, the party must file a motion prior to trial.  
4 Reasonable notice of the motion shall be given to all parties.  
5 On its own motion or upon the filing of a motion by one of the  
6 parties including the minor, the court shall conduct a hearing  
7 to determine whether the minor should be tried and sentenced as  
8 a delinquent minor under this Article. In making its  
9 determination, the court shall consider among other matters:

10 (a) The age of the minor;

11 (b) Any previous delinquent or criminal history of the  
12 minor;

13 (c) Any previous abuse or neglect history of the minor;

14 (d) Any mental health or educational history of the  
15 minor, or both; and

16 (e) Whether there is probable cause to support the  
17 charge, whether the minor is charged through  
18 accountability, and whether there is evidence the minor  
19 possessed a deadly weapon or caused serious bodily harm  
20 during the offense.

21 Any material that is relevant and reliable shall be  
22 admissible at the hearing. In all cases, the judge shall enter  
23 an order permitting prosecution under the criminal laws of  
24 Illinois unless the judge makes a finding based on a  
25 preponderance of the evidence that the minor would be amenable  
26 to the care, treatment, and training programs available through

1 the facilities of the juvenile court based on an evaluation of  
2 the factors listed in this subsection (10).

3 (11) The changes made to this Section by Public Act 98-61  
4 apply to a minor who has been arrested or taken into custody on  
5 or after January 1, 2014 (the effective date of Public Act  
6 98-61).

7 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 99-258,  
8 eff. 1-1-16.)

9 (705 ILCS 405/5-401.5)

10 Sec. 5-401.5. When statements by minor may be used.

11 (a) In this Section, "custodial interrogation" means any  
12 interrogation (i) during which a reasonable person in the  
13 subject's position would consider himself or herself to be in  
14 custody and (ii) during which a question is asked that is  
15 reasonably likely to elicit an incriminating response.

16 In this Section, "electronic recording" includes motion  
17 picture, audiotape, videotape, or digital recording.

18 In this Section, "place of detention" means a building or a  
19 police station that is a place of operation for a municipal  
20 police department or county sheriff department or other law  
21 enforcement agency at which persons are or may be held in  
22 detention in connection with criminal charges against those  
23 persons or allegations that those persons are delinquent  
24 minors.

25 (b) An oral, written, or sign language statement of a minor



1 who, at the time of the commission of the offense was under the  
2 age of 21 ~~18~~ years, made as a result of a custodial  
3 interrogation conducted at a police station or other place of  
4 detention on or after the effective date of this amendatory Act  
5 of the 93rd General Assembly and on or after the effective date  
6 of this amendatory Act of the 99th General Assembly shall be  
7 presumed to be inadmissible as evidence against the minor in  
8 any criminal proceeding or juvenile court proceeding, for an  
9 act that if committed by an adult would be brought under  
10 Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, or under  
12 clause (d) (1) (F) of Section 11-501 of the Illinois Vehicle Code  
13 unless:

14 (1) an electronic recording is made of the custodial  
15 interrogation; and

16 (2) the recording is substantially accurate and not  
17 intentionally altered.

18 (b-5) Under the following circumstances, an oral, written,  
19 or sign language statement of a minor who, at the time of the  
20 commission of the offense was under the age of 21 ~~17~~ years,  
21 made as a result of a custodial interrogation conducted at a  
22 police station or other place of detention shall be presumed to  
23 be inadmissible as evidence against the minor, unless an  
24 electronic recording is made of the custodial interrogation and  
25 the recording is substantially accurate and not intentionally  
26 altered:

1           (1) in any criminal proceeding or juvenile court  
2 proceeding, for an act that if committed by an adult would  
3 be brought under Section 11-1.40 or 20-1.1 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012, if the custodial  
5 interrogation was conducted on or after June 1, 2014;

6           (2) in any criminal proceeding or juvenile court  
7 proceeding, for an act that if committed by an adult would  
8 be brought under Section 10-2, 18-4, or 19-6 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, if the  
10 custodial interrogation was conducted on or after June 1,  
11 2015; and

12           (3) in any criminal proceeding or juvenile court  
13 proceeding, for an act that if committed by an adult would  
14 be brought under Section 11-1.30 or 18-2 or subsection (e)  
15 of Section 12-3.05 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, if the custodial interrogation was  
17 conducted on or after June 1, 2016.

18           (b-10) If, during the course of an electronically recorded  
19 custodial interrogation conducted under this Section of a minor  
20 who, at the time of the commission of the offense was under the  
21 age of 21 ~~17~~ years, the minor makes a statement that creates a  
22 reasonable suspicion to believe the minor has committed an act  
23 that if committed by an adult would be an offense other than an  
24 offense required to be recorded under subsection (b) or (b-5),  
25 the interrogators may, without the minor's consent, continue to  
26 record the interrogation as it relates to the other offense

1 notwithstanding any provision of law to the contrary. Any oral,  
2 written, or sign language statement of a minor made as a result  
3 of an interrogation under this subsection shall be presumed to  
4 be inadmissible as evidence against the minor in any criminal  
5 proceeding or juvenile court proceeding, unless the recording  
6 is substantially accurate and not intentionally altered.

7 (c) Every electronic recording made under this Section must  
8 be preserved until such time as the minor's adjudication for  
9 any offense relating to the statement is final and all direct  
10 and habeas corpus appeals are exhausted, or the prosecution of  
11 such offenses is barred by law.

12 (d) If the court finds, by a preponderance of the evidence,  
13 that the minor was subjected to a custodial interrogation in  
14 violation of this Section, then any statements made by the  
15 minor during or following that non-recorded custodial  
16 interrogation, even if otherwise in compliance with this  
17 Section, are presumed to be inadmissible in any criminal  
18 proceeding or juvenile court proceeding against the minor  
19 except for the purposes of impeachment.

20 (e) Nothing in this Section precludes the admission (i) of  
21 a statement made by the minor in open court in any criminal  
22 proceeding or juvenile court proceeding, before a grand jury,  
23 or at a preliminary hearing, (ii) of a statement made during a  
24 custodial interrogation that was not recorded as required by  
25 this Section because electronic recording was not feasible,  
26 (iii) of a voluntary statement, whether or not the result of a

1 custodial interrogation, that has a bearing on the credibility  
2 of the accused as a witness, (iv) of a spontaneous statement  
3 that is not made in response to a question, (v) of a statement  
4 made after questioning that is routinely asked during the  
5 processing of the arrest of the suspect, (vi) of a statement  
6 made during a custodial interrogation by a suspect who  
7 requests, prior to making the statement, to respond to the  
8 interrogator's questions only if an electronic recording is not  
9 made of the statement, provided that an electronic recording is  
10 made of the statement of agreeing to respond to the  
11 interrogator's question, only if a recording is not made of the  
12 statement, (vii) of a statement made during a custodial  
13 interrogation that is conducted out-of-state, (viii) of a  
14 statement given in violation of subsection (b) at a time when  
15 the interrogators are unaware that a death has in fact  
16 occurred, (ix) of a statement given in violation of subsection  
17 (b-5) at a time when the interrogators are unaware of facts and  
18 circumstances that would create probable cause to believe that  
19 the minor committed an act that if committed by an adult would  
20 be an offense required to be recorded under subsection (b-5),  
21 or (x) of any other statement that may be admissible under law.  
22 The State shall bear the burden of proving, by a preponderance  
23 of the evidence, that one of the exceptions described in this  
24 subsection (e) is applicable. Nothing in this Section precludes  
25 the admission of a statement, otherwise inadmissible under this  
26 Section, that is used only for impeachment and not as

1 substantive evidence.

2 (f) The presumption of inadmissibility of a statement made  
3 by a suspect at a custodial interrogation at a police station  
4 or other place of detention may be overcome by a preponderance  
5 of the evidence that the statement was voluntarily given and is  
6 reliable, based on the totality of the circumstances.

7 (g) Any electronic recording of any statement made by a  
8 minor during a custodial interrogation that is compiled by any  
9 law enforcement agency as required by this Section for the  
10 purposes of fulfilling the requirements of this Section shall  
11 be confidential and exempt from public inspection and copying,  
12 as provided under Section 7 of the Freedom of Information Act,  
13 and the information shall not be transmitted to anyone except  
14 as needed to comply with this Section.

15 (h) A statement, admission, confession, or incriminating  
16 information made by or obtained from a minor related to the  
17 instant offense, as part of any behavioral health screening,  
18 assessment, evaluation, or treatment, whether or not  
19 court-ordered, shall not be admissible as evidence against the  
20 minor on the issue of guilt only in the instant juvenile court  
21 proceeding. The provisions of this subsection (h) are in  
22 addition to and do not override any existing statutory and  
23 constitutional prohibition on the admission into evidence in  
24 delinquency proceedings of information obtained during  
25 screening, assessment, or treatment.

26 (i) The changes made to this Section by Public Act 98-61

1 apply to statements of a minor made on or after January 1, 2014  
2 (the effective date of Public Act 98-61).  
3 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;  
4 98-547, eff. 1-1-14; 98-756, eff. 7-16-14.)

5 (705 ILCS 405/5-410)

6 Sec. 5-410. Non-secure custody or detention.

7 (1) Any minor arrested or taken into custody pursuant to  
8 this Act who requires care away from his or her home but who  
9 does not require physical restriction shall be given temporary  
10 care in a foster family home or other shelter facility  
11 designated by the court.

12 (2) (a) Any minor 10 years of age or older arrested  
13 pursuant to this Act where there is probable cause to believe  
14 that the minor is a delinquent minor and that (i) secured  
15 custody is a matter of immediate and urgent necessity for the  
16 protection of the minor or of the person or property of  
17 another, (ii) the minor is likely to flee the jurisdiction of  
18 the court, or (iii) the minor was taken into custody under a  
19 warrant, may be kept or detained in an authorized detention  
20 facility. A minor under 13 years of age shall not be admitted,  
21 kept, or detained in a detention facility unless a local youth  
22 service provider, including a provider through the  
23 Comprehensive Community Based Youth Services network, has been  
24 contacted and has not been able to accept the minor. No minor  
25 under 12 years of age shall be detained in a county jail or a

1 municipal lockup for more than 6 hours.

2 (b) The written authorization of the probation officer or  
3 detention officer (or other public officer designated by the  
4 court in a county having 3,000,000 or more inhabitants)  
5 constitutes authority for the superintendent of any juvenile  
6 detention home to detain and keep a minor for up to 40 hours,  
7 excluding Saturdays, Sundays and court-designated holidays.  
8 These records shall be available to the same persons and  
9 pursuant to the same conditions as are law enforcement records  
10 as provided in Section 5-905.

11 (b-4) The consultation required by subsection (b-5) shall  
12 not be applicable if the probation officer or detention officer  
13 (or other public officer designated by the court in a county  
14 having 3,000,000 or more inhabitants) utilizes a scorable  
15 detention screening instrument, which has been developed with  
16 input by the State's Attorney, to determine whether a minor  
17 should be detained, however, subsection (b-5) shall still be  
18 applicable where no such screening instrument is used or where  
19 the probation officer, detention officer (or other public  
20 officer designated by the court in a county having 3,000,000 or  
21 more inhabitants) deviates from the screening instrument.

22 (b-5) Subject to the provisions of subsection (b-4), if a  
23 probation officer or detention officer (or other public officer  
24 designated by the court in a county having 3,000,000 or more  
25 inhabitants) does not intend to detain a minor for an offense  
26 which constitutes one of the following offenses he or she shall

1 consult with the State's Attorney's Office prior to the release  
2 of the minor: first degree murder, second degree murder,  
3 involuntary manslaughter, criminal sexual assault, aggravated  
4 criminal sexual assault, aggravated battery with a firearm as  
5 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
6 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous  
7 battery involving permanent disability or disfigurement or  
8 great bodily harm, robbery, aggravated robbery, armed robbery,  
9 vehicular hijacking, aggravated vehicular hijacking, vehicular  
10 invasion, arson, aggravated arson, kidnapping, aggravated  
11 kidnapping, home invasion, burglary, or residential burglary.

12 (c) Except as otherwise provided in paragraph (a), (d), or  
13 (e), no minor shall be detained in a county jail or municipal  
14 lockup for more than 12 hours, unless the offense is a crime of  
15 violence in which case the minor may be detained up to 24  
16 hours. For the purpose of this paragraph, "crime of violence"  
17 has the meaning ascribed to it in Section 1-10 of the  
18 Alcoholism and Other Drug Abuse and Dependency Act.

19 (i) The period of detention is deemed to have begun  
20 once the minor has been placed in a locked room or cell or  
21 handcuffed to a stationary object in a building housing a  
22 county jail or municipal lockup. Time spent transporting a  
23 minor is not considered to be time in detention or secure  
24 custody.

25 (ii) Any minor so confined shall be under periodic  
26 supervision and shall not be permitted to come into or



1 remain in contact with adults in custody in the building.

2 (iii) Upon placement in secure custody in a jail or  
3 lockup, the minor shall be informed of the purpose of the  
4 detention, the time it is expected to last and the fact  
5 that it cannot exceed the time specified under this Act.

6 (iv) A log shall be kept which shows the offense which  
7 is the basis for the detention, the reasons and  
8 circumstances for the decision to detain and the length of  
9 time the minor was in detention.

10 (v) Violation of the time limit on detention in a  
11 county jail or municipal lockup shall not, in and of  
12 itself, render inadmissible evidence obtained as a result  
13 of the violation of this time limit. Minors under 21 ~~18~~  
14 years of age shall be kept separate from confined adults  
15 and may not at any time be kept in the same cell, room or  
16 yard with adults confined pursuant to criminal law. Persons  
17 21 ~~18~~ years of age and older who have a petition of  
18 delinquency filed against them may be confined in an adult  
19 detention facility. In making a determination whether to  
20 confine a person 21 ~~18~~ years of age or older who has a  
21 petition of delinquency filed against the person, these  
22 factors, among other matters, shall be considered:

23 (A) The age of the person;

24 (B) Any previous delinquent or criminal history of  
25 the person;

26 (C) Any previous abuse or neglect history of the

1 person; and

2 (D) Any mental health or educational history of the  
3 person, or both.

4 (d) (i) If a minor 12 years of age or older is confined in a  
5 county jail in a county with a population below 3,000,000  
6 inhabitants, then the minor's confinement shall be implemented  
7 in such a manner that there will be no contact by sight, sound  
8 or otherwise between the minor and adult prisoners. Minors 12  
9 years of age or older must be kept separate from confined  
10 adults and may not at any time be kept in the same cell, room,  
11 or yard with confined adults. This paragraph (d) (i) shall only  
12 apply to confinement pending an adjudicatory hearing and shall  
13 not exceed 40 hours, excluding Saturdays, Sundays and court  
14 designated holidays. To accept or hold minors during this time  
15 period, county jails shall comply with all monitoring standards  
16 adopted by the Department of Corrections and training standards  
17 approved by the Illinois Law Enforcement Training Standards  
18 Board.

19 (ii) To accept or hold minors, 12 years of age or older,  
20 after the time period prescribed in paragraph (d) (i) of this  
21 subsection (2) of this Section but not exceeding 7 days  
22 including Saturdays, Sundays and holidays pending an  
23 adjudicatory hearing, county jails shall comply with all  
24 temporary detention standards adopted by the Department of  
25 Corrections and training standards approved by the Illinois Law  
26 Enforcement Training Standards Board.

1           (iii) To accept or hold minors 12 years of age or older,  
2 after the time period prescribed in paragraphs (d)(i) and  
3 (d)(ii) of this subsection (2) of this Section, county jails  
4 shall comply with all county juvenile detention standards  
5 adopted by the Department of Juvenile Justice.

6           (e) When a minor who is at least 15 years of age is  
7 prosecuted under the criminal laws of this State, the court may  
8 enter an order directing that the juvenile be confined in the  
9 county jail. However, any juvenile confined in the county jail  
10 under this provision shall be separated from adults who are  
11 confined in the county jail in such a manner that there will be  
12 no contact by sight, sound or otherwise between the juvenile  
13 and adult prisoners.

14           (f) For purposes of appearing in a physical lineup, the  
15 minor may be taken to a county jail or municipal lockup under  
16 the direct and constant supervision of a juvenile police  
17 officer. During such time as is necessary to conduct a lineup,  
18 and while supervised by a juvenile police officer, the sight  
19 and sound separation provisions shall not apply.

20           (g) For purposes of processing a minor, the minor may be  
21 taken to a County Jail or municipal lockup under the direct and  
22 constant supervision of a law enforcement officer or  
23 correctional officer. During such time as is necessary to  
24 process the minor, and while supervised by a law enforcement  
25 officer or correctional officer, the sight and sound separation  
26 provisions shall not apply.

1           (3) If the probation officer or State's Attorney (or such  
2 other public officer designated by the court in a county having  
3 3,000,000 or more inhabitants) determines that the minor may be  
4 a delinquent minor as described in subsection (3) of Section  
5 5-105, and should be retained in custody but does not require  
6 physical restriction, the minor may be placed in non-secure  
7 custody for up to 40 hours pending a detention hearing.

8           (4) Any minor taken into temporary custody, not requiring  
9 secure detention, may, however, be detained in the home of his  
10 or her parent or guardian subject to such conditions as the  
11 court may impose.

12           (5) The changes made to this Section by Public Act 98-61  
13 apply to a minor who has been arrested or taken into custody on  
14 or after January 1, 2014 (the effective date of Public Act  
15 98-61).

16           (Source: P.A. 98-61, eff. 1-1-14; 98-685, eff. 1-1-15; 98-756,  
17 eff. 7-16-14; 99-254, eff. 1-1-16.)

18           (705 ILCS 405/5-901)

19           Sec. 5-901. Court file.

20           (1) The Court file with respect to proceedings under this  
21 Article shall consist of the petitions, pleadings, victim  
22 impact statements, process, service of process, orders, writs  
23 and docket entries reflecting hearings held and judgments and  
24 decrees entered by the court. The court file shall be kept  
25 separate from other records of the court.

1           (a) The file, including information identifying the  
2 victim or alleged victim of any sex offense, shall be  
3 disclosed only to the following parties when necessary for  
4 discharge of their official duties:

5           (i) A judge of the circuit court and members of the  
6 staff of the court designated by the judge;

7           (ii) Parties to the proceedings and their  
8 attorneys;

9           (iii) Victims and their attorneys, except in cases  
10 of multiple victims of sex offenses in which case the  
11 information identifying the nonrequesting victims  
12 shall be redacted;

13           (iv) Probation officers, law enforcement officers  
14 or prosecutors or their staff;

15           (v) Adult and juvenile Prisoner Review Boards.

16           (b) The Court file redacted to remove any information  
17 identifying the victim or alleged victim of any sex offense  
18 shall be disclosed only to the following parties when  
19 necessary for discharge of their official duties:

20           (i) Authorized military personnel;

21           (ii) Persons engaged in bona fide research, with  
22 the permission of the judge of the juvenile court and  
23 the chief executive of the agency that prepared the  
24 particular recording: provided that publication of  
25 such research results in no disclosure of a minor's  
26 identity and protects the confidentiality of the

1 record;

2 (iii) The Secretary of State to whom the Clerk of  
3 the Court shall report the disposition of all cases, as  
4 required in Section 6-204 or Section 6-205.1 of the  
5 Illinois Vehicle Code. However, information reported  
6 relative to these offenses shall be privileged and  
7 available only to the Secretary of State, courts, and  
8 police officers;

9 (iv) The administrator of a bonafide substance  
10 abuse student assistance program with the permission  
11 of the presiding judge of the juvenile court;

12 (v) Any individual, or any public or private agency  
13 or institution, having custody of the juvenile under  
14 court order or providing educational, medical or  
15 mental health services to the juvenile or a  
16 court-approved advocate for the juvenile or any  
17 placement provider or potential placement provider as  
18 determined by the court.

19 (3) A minor who is the victim or alleged victim in a  
20 juvenile proceeding shall be provided the same confidentiality  
21 regarding disclosure of identity as the minor who is the  
22 subject of record. Information identifying victims and alleged  
23 victims of sex offenses, shall not be disclosed or open to  
24 public inspection under any circumstances. Nothing in this  
25 Section shall prohibit the victim or alleged victim of any sex  
26 offense from voluntarily disclosing his or her identity.

1           (4) Relevant information, reports and records shall be made  
2 available to the Department of Juvenile Justice when a juvenile  
3 offender has been placed in the custody of the Department of  
4 Juvenile Justice.

5           (5) Except as otherwise provided in this subsection (5),  
6 juvenile court records shall not be made available to the  
7 general public but may be inspected by representatives of  
8 agencies, associations and news media or other properly  
9 interested persons by general or special order of the court.  
10 The State's Attorney, the minor, his or her parents, guardian  
11 and counsel shall at all times have the right to examine court  
12 files and records.

13           (a) The court shall allow the general public to have  
14 access to the name, address, and offense of a minor who is  
15 adjudicated a delinquent minor under this Act under either  
16 of the following circumstances:

17                   (i) The adjudication of delinquency was based upon  
18 the minor's commission of first degree murder, attempt  
19 to commit first degree murder, aggravated criminal  
20 sexual assault, or criminal sexual assault; or

21                   (ii) The court has made a finding that the minor  
22 was at least 13 years of age at the time the act was  
23 committed and the adjudication of delinquency was  
24 based upon the minor's commission of: (A) an act in  
25 furtherance of the commission of a felony as a member  
26 of or on behalf of a criminal street gang, (B) an act

1 involving the use of a firearm in the commission of a  
2 felony, (C) an act that would be a Class X felony  
3 offense under or the minor's second or subsequent Class  
4 2 or greater felony offense under the Cannabis Control  
5 Act if committed by an adult, (D) an act that would be  
6 a second or subsequent offense under Section 402 of the  
7 Illinois Controlled Substances Act if committed by an  
8 adult, (E) an act that would be an offense under  
9 Section 401 of the Illinois Controlled Substances Act  
10 if committed by an adult, or (F) an act that would be  
11 an offense under the Methamphetamine Control and  
12 Community Protection Act if committed by an adult.

13 (b) The court shall allow the general public to have  
14 access to the name, address, and offense of a minor who is  
15 at least 13 years of age at the time the offense is  
16 committed and who is convicted, in criminal proceedings  
17 permitted or required under Section 5-805, under either of  
18 the following circumstances:

19 (i) The minor has been convicted of first degree  
20 murder, attempt to commit first degree murder,  
21 aggravated criminal sexual assault, or criminal sexual  
22 assault,

23 (ii) The court has made a finding that the minor  
24 was at least 13 years of age at the time the offense  
25 was committed and the conviction was based upon the  
26 minor's commission of: (A) an offense in furtherance of



1 the commission of a felony as a member of or on behalf  
2 of a criminal street gang, (B) an offense involving the  
3 use of a firearm in the commission of a felony, (C) a  
4 Class X felony offense under the Cannabis Control Act  
5 or a second or subsequent Class 2 or greater felony  
6 offense under the Cannabis Control Act, (D) a second or  
7 subsequent offense under Section 402 of the Illinois  
8 Controlled Substances Act, (E) an offense under  
9 Section 401 of the Illinois Controlled Substances Act,  
10 or (F) an offense under the Methamphetamine Control and  
11 Community Protection Act.

12 (6) Nothing in this Section shall be construed to limit the  
13 use of a adjudication of delinquency as evidence in any  
14 juvenile or criminal proceeding, where it would otherwise be  
15 admissible under the rules of evidence, including but not  
16 limited to, use as impeachment evidence against any witness,  
17 including the minor if he or she testifies.

18 (7) Nothing in this Section shall affect the right of a  
19 Civil Service Commission or appointing authority examining the  
20 character and fitness of an applicant for a position as a law  
21 enforcement officer to ascertain whether that applicant was  
22 ever adjudicated to be a delinquent minor and, if so, to  
23 examine the records or evidence which were made in proceedings  
24 under this Act.

25 (8) Following any adjudication of delinquency for a crime  
26 which would be a felony if committed by an adult, or following

1 any adjudication of delinquency for a violation of Section  
2 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, the State's Attorney shall ascertain  
4 whether the minor respondent is enrolled in school and, if so,  
5 shall provide a copy of the sentencing order to the principal  
6 or chief administrative officer of the school. Access to such  
7 juvenile records shall be limited to the principal or chief  
8 administrative officer of the school and any guidance counselor  
9 designated by him or her.

10 (9) Nothing contained in this Act prevents the sharing or  
11 disclosure of information or records relating or pertaining to  
12 juveniles subject to the provisions of the Serious Habitual  
13 Offender Comprehensive Action Program when that information is  
14 used to assist in the early identification and treatment of  
15 habitual juvenile offenders.

16 (11) The Clerk of the Circuit Court shall report to the  
17 Department of State Police, in the form and manner required by  
18 the Department of State Police, the final disposition of each  
19 minor who has been arrested or taken into custody before his or  
20 her 21st ~~18th~~ birthday for those offenses required to be  
21 reported under Section 5 of the Criminal Identification Act.  
22 Information reported to the Department under this Section may  
23 be maintained with records that the Department files under  
24 Section 2.1 of the Criminal Identification Act.

25 (12) Information or records may be disclosed to the general  
26 public when the court is conducting hearings under Section

1 5-805 or 5-810.

2 (13) The changes made to this Section by Public Act 98-61  
3 apply to juvenile court records of a minor who has been  
4 arrested or taken into custody on or after January 1, 2014 (the  
5 effective date of Public Act 98-61).

6 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;  
7 98-756, eff. 7-16-14.)

8 (705 ILCS 405/5-905)

9 Sec. 5-905. Law enforcement records.

10 (1) Law Enforcement Records. Inspection and copying of law  
11 enforcement records maintained by law enforcement agencies  
12 that relate to a minor who has been investigated, arrested, or  
13 taken into custody before his or her 21st ~~18th~~ birthday shall  
14 be restricted to the following and when necessary for the  
15 discharge of their official duties:

16 (a) A judge of the circuit court and members of the  
17 staff of the court designated by the judge;

18 (b) Law enforcement officers, probation officers or  
19 prosecutors or their staff, or, when necessary for the  
20 discharge of its official duties in connection with a  
21 particular investigation of the conduct of a law  
22 enforcement officer, an independent agency or its staff  
23 created by ordinance and charged by a unit of local  
24 government with the duty of investigating the conduct of  
25 law enforcement officers;

1           (c) The minor, the minor's parents or legal guardian  
2           and their attorneys, but only when the juvenile has been  
3           charged with an offense;

4           (d) Adult and Juvenile Prisoner Review Boards;

5           (e) Authorized military personnel;

6           (f) Persons engaged in bona fide research, with the  
7           permission of the judge of juvenile court and the chief  
8           executive of the agency that prepared the particular  
9           recording: provided that publication of such research  
10           results in no disclosure of a minor's identity and protects  
11           the confidentiality of the record;

12           (g) Individuals responsible for supervising or  
13           providing temporary or permanent care and custody of minors  
14           pursuant to orders of the juvenile court or directives from  
15           officials of the Department of Children and Family Services  
16           or the Department of Human Services who certify in writing  
17           that the information will not be disclosed to any other  
18           party except as provided under law or order of court;

19           (h) The appropriate school official only if the agency  
20           or officer believes that there is an imminent threat of  
21           physical harm to students, school personnel, or others who  
22           are present in the school or on school grounds.

23           (A) Inspection and copying shall be limited to law  
24           enforcement records transmitted to the appropriate  
25           school official or officials whom the school has  
26           determined to have a legitimate educational or safety

1 interest by a local law enforcement agency under a  
2 reciprocal reporting system established and maintained  
3 between the school district and the local law  
4 enforcement agency under Section 10-20.14 of the  
5 School Code concerning a minor enrolled in a school  
6 within the school district who has been arrested or  
7 taken into custody for any of the following offenses:

8 (i) any violation of Article 24 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012;

10 (ii) a violation of the Illinois Controlled  
11 Substances Act;

12 (iii) a violation of the Cannabis Control Act;

13 (iv) a forcible felony as defined in Section  
14 2-8 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012;

16 (v) a violation of the Methamphetamine Control  
17 and Community Protection Act;

18 (vi) a violation of Section 1-2 of the  
19 Harassing and Obscene Communications Act;

20 (vii) a violation of the Hazing Act; or

21 (viii) a violation of Section 12-1, 12-2,  
22 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
23 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012.

25 The information derived from the law enforcement  
26 records shall be kept separate from and shall not

1           become a part of the official school record of that  
2           child and shall not be a public record. The information  
3           shall be used solely by the appropriate school official  
4           or officials whom the school has determined to have a  
5           legitimate educational or safety interest to aid in the  
6           proper rehabilitation of the child and to protect the  
7           safety of students and employees in the school. If the  
8           designated law enforcement and school officials deem  
9           it to be in the best interest of the minor, the student  
10          may be referred to in-school or community based social  
11          services if those services are available.  
12          "Rehabilitation services" may include interventions by  
13          school support personnel, evaluation for eligibility  
14          for special education, referrals to community-based  
15          agencies such as youth services, behavioral healthcare  
16          service providers, drug and alcohol prevention or  
17          treatment programs, and other interventions as deemed  
18          appropriate for the student.

19                (B) Any information provided to appropriate school  
20                officials whom the school has determined to have a  
21                legitimate educational or safety interest by local law  
22                enforcement officials about a minor who is the subject  
23                of a current police investigation that is directly  
24                related to school safety shall consist of oral  
25                information only, and not written law enforcement  
26                records, and shall be used solely by the appropriate

1 school official or officials to protect the safety of  
2 students and employees in the school and aid in the  
3 proper rehabilitation of the child. The information  
4 derived orally from the local law enforcement  
5 officials shall be kept separate from and shall not  
6 become a part of the official school record of the  
7 child and shall not be a public record. This limitation  
8 on the use of information about a minor who is the  
9 subject of a current police investigation shall in no  
10 way limit the use of this information by prosecutors in  
11 pursuing criminal charges arising out of the  
12 information disclosed during a police investigation of  
13 the minor. For purposes of this paragraph,  
14 "investigation" means an official systematic inquiry  
15 by a law enforcement agency into actual or suspected  
16 criminal activity;

17 (i) The president of a park district. Inspection and  
18 copying shall be limited to law enforcement records  
19 transmitted to the president of the park district by the  
20 Illinois State Police under Section 8-23 of the Park  
21 District Code or Section 16a-5 of the Chicago Park District  
22 Act concerning a person who is seeking employment with that  
23 park district and who has been adjudicated a juvenile  
24 delinquent for any of the offenses listed in subsection (c)  
25 of Section 8-23 of the Park District Code or subsection (c)  
26 of Section 16a-5 of the Chicago Park District Act.

1           (2) Information identifying victims and alleged victims of  
2 sex offenses, shall not be disclosed or open to public  
3 inspection under any circumstances. Nothing in this Section  
4 shall prohibit the victim or alleged victim of any sex offense  
5 from voluntarily disclosing his or her identity.

6           (2.5) If the minor is a victim of aggravated battery,  
7 battery, attempted first degree murder, or other non-sexual  
8 violent offense, the identity of the victim may be disclosed to  
9 appropriate school officials, for the purpose of preventing  
10 foreseeable future violence involving minors, by a local law  
11 enforcement agency pursuant to an agreement established  
12 between the school district and a local law enforcement agency  
13 subject to the approval by the presiding judge of the juvenile  
14 court.

15           (3) Relevant information, reports and records shall be made  
16 available to the Department of Juvenile Justice when a juvenile  
17 offender has been placed in the custody of the Department of  
18 Juvenile Justice.

19           (4) Nothing in this Section shall prohibit the inspection  
20 or disclosure to victims and witnesses of photographs contained  
21 in the records of law enforcement agencies when the inspection  
22 or disclosure is conducted in the presence of a law enforcement  
23 officer for purposes of identification or apprehension of any  
24 person in the course of any criminal investigation or  
25 prosecution.

26           (5) The records of law enforcement officers, or of an



1 independent agency created by ordinance and charged by a unit  
2 of local government with the duty of investigating the conduct  
3 of law enforcement officers, concerning all minors under 21 ~~18~~  
4 years of age must be maintained separate from the records of  
5 adults and may not be open to public inspection or their  
6 contents disclosed to the public except by order of the court  
7 or when the institution of criminal proceedings has been  
8 permitted under Section 5-130 or 5-805 or required under  
9 Section 5-130 or 5-805 or such a person has been convicted of a  
10 crime and is the subject of pre-sentence investigation or when  
11 provided by law.

12 (6) Except as otherwise provided in this subsection (6),  
13 law enforcement officers, and personnel of an independent  
14 agency created by ordinance and charged by a unit of local  
15 government with the duty of investigating the conduct of law  
16 enforcement officers, may not disclose the identity of any  
17 minor in releasing information to the general public as to the  
18 arrest, investigation or disposition of any case involving a  
19 minor. Any victim or parent or legal guardian of a victim may  
20 petition the court to disclose the name and address of the  
21 minor and the minor's parents or legal guardian, or both. Upon  
22 a finding by clear and convincing evidence that the disclosure  
23 is either necessary for the victim to pursue a civil remedy  
24 against the minor or the minor's parents or legal guardian, or  
25 both, or to protect the victim's person or property from the  
26 minor, then the court may order the disclosure of the

1 information to the victim or to the parent or legal guardian of  
2 the victim only for the purpose of the victim pursuing a civil  
3 remedy against the minor or the minor's parents or legal  
4 guardian, or both, or to protect the victim's person or  
5 property from the minor.

6 (7) Nothing contained in this Section shall prohibit law  
7 enforcement agencies when acting in their official capacity  
8 from communicating with each other by letter, memorandum,  
9 teletype or intelligence alert bulletin or other means the  
10 identity or other relevant information pertaining to a person  
11 under 21 ~~18~~ years of age. The information provided under this  
12 subsection (7) shall remain confidential and shall not be  
13 publicly disclosed, except as otherwise allowed by law.

14 (8) No person shall disclose information under this Section  
15 except when acting in his or her official capacity and as  
16 provided by law or order of court.

17 (9) The changes made to this Section by Public Act 98-61  
18 apply to law enforcement records of a minor who has been  
19 arrested or taken into custody on or after January 1, 2014 (the  
20 effective date of Public Act 98-61).

21 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 99-298,  
22 eff. 8-6-15.)

23 (705 ILCS 405/5-915)

24 Sec. 5-915. Expungement of juvenile law enforcement and  
25 court records.

1 (0.05) For purposes of this Section and Section 5-622:

2 "Expunge" means to physically destroy the records and  
3 to obliterate the minor's name from any official index or  
4 public record, or both. Nothing in this Act shall require  
5 the physical destruction of the internal office records,  
6 files, or databases maintained by a State's Attorney's  
7 Office or other prosecutor.

8 "Law enforcement record" includes but is not limited to  
9 records of arrest, station adjustments, fingerprints,  
10 probation adjustments, the issuance of a notice to appear,  
11 or any other records maintained by a law enforcement agency  
12 relating to a minor suspected of committing an offense.

13 (1) Whenever any person has attained the age of 18 or  
14 whenever all juvenile court proceedings relating to that person  
15 have been terminated, whichever is later, the person may  
16 petition the court to expunge law enforcement records relating  
17 to incidents under this Act occurring before the filing date of  
18 his or her petition ~~his or her 18th birthday~~ or his or her  
19 juvenile court records, or both, but only in the following  
20 circumstances:

21 (a) the minor was arrested and no petition for  
22 delinquency was filed with the clerk of the circuit court;  
23 or

24 (b) the minor was charged with an offense and was found  
25 not delinquent of that offense; or

26 (c) the minor was placed under supervision pursuant to

1 Section 5-615, and the order of supervision has since been  
2 successfully terminated; or

3 (d) the minor was adjudicated for an offense which  
4 would be a Class B misdemeanor, Class C misdemeanor, or a  
5 petty or business offense if committed by an adult.

6 (1.5) Commencing 180 days after the effective date of this  
7 amendatory Act of the 98th General Assembly, the Department of  
8 State Police shall automatically expunge, on or before January  
9 1 of each year, a person's law enforcement records relating to  
10 incidents occurring before his or her 21st ~~19th~~ birthday in the  
11 Department's possession or control and which contains the final  
12 disposition which pertain to the person when arrested as a  
13 minor if:

14 (a) the minor was arrested for an eligible offense and  
15 no petition for delinquency was filed with the clerk of the  
16 circuit court; and

17 (b) the person attained the age of 21 ~~19~~ years during  
18 the last calendar year; and

19 (c) since the date of the minor's most recent arrest,  
20 at least 6 months have elapsed without an additional  
21 arrest, filing of a petition for delinquency whether  
22 related or not to a previous arrest, or filing of charges  
23 not initiated by arrest.

24 The Department of State Police shall allow a person to use  
25 the Access and Review process, established in the Department of  
26 State Police, for verifying that his or her law enforcement

1 records relating to incidents occurring before his or her 18th  
2 birthday eligible under this subsection have been expunged as  
3 provided in this subsection.

4 The Department of State Police shall provide by rule the  
5 process for access, review, and automatic expungement.

6 (1.6) Commencing on the effective date of this amendatory  
7 Act of the 98th General Assembly, a person whose law  
8 enforcement records are not subject to subsection (1.5) of this  
9 Section and who has attained the age of 21 ~~18~~ years may use the  
10 Access and Review process, established in the Department of  
11 State Police, for verifying his or her law enforcement records  
12 relating to incidents occurring before his or her 18th birthday  
13 in the Department's possession or control which pertain to the  
14 person when arrested as a minor, if the incident occurred no  
15 earlier than 30 years before the effective date of this  
16 amendatory Act of the 98th General Assembly. If the person  
17 identifies a law enforcement record of an eligible offense that  
18 meets the requirements of this subsection, paragraphs (a) and  
19 (c) of subsection (1.5) of this Section, and all juvenile court  
20 proceedings related to the person have been terminated, the  
21 person may file a Request for Expungement of Juvenile Law  
22 Enforcement Records, in the form and manner prescribed by the  
23 Department of State Police, with the Department and the  
24 Department shall consider expungement of the record as  
25 otherwise provided for automatic expungement under subsection  
26 (1.5) of this Section. The person shall provide notice and a

1 copy of the Request for Expungement of Juvenile Law Enforcement  
2 Records to the arresting agency, prosecutor charged with the  
3 prosecution of the minor, or the State's Attorney of the county  
4 that prosecuted the minor. The Department of State Police shall  
5 provide by rule the process for access, review, and Request for  
6 Expungement of Juvenile Law Enforcement Records.

7 (1.7) Nothing in subsections (1.5) and (1.6) of this  
8 Section precludes a person from filing a petition under  
9 subsection (1) for expungement of records subject to automatic  
10 expungement under subsection (1.5) or (1.6) of this Section.

11 (1.8) For the purposes of subsections (1.5) and (1.6) of  
12 this Section, "eligible offense" means records relating to an  
13 arrest or incident occurring before the person's 21st ~~18th~~  
14 birthday that if committed by an adult is not an offense  
15 classified as a Class 2 felony or higher offense, an offense  
16 under Article 11 of the Criminal Code of 1961 or the Criminal  
17 Code of 2012, or an offense under Section 12-13, 12-14,  
18 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

19 (2) Any person may petition the court to expunge all law  
20 enforcement records relating to any incidents occurring before  
21 his or her 21st ~~18th~~ birthday which did not result in  
22 proceedings in criminal court and all juvenile court records  
23 with respect to any adjudications except those based upon first  
24 degree murder and sex offenses which would be felonies if  
25 committed by an adult, if the person for whom expungement is  
26 sought has had no convictions for any crime since his or her

1 21st ~~18th~~ birthday and:

2 (a) has attained the age of 21 years; or

3 (b) 5 years have elapsed since all juvenile court  
4 proceedings relating to him or her have been terminated or  
5 his or her commitment to the Department of Juvenile Justice  
6 pursuant to this Act has been terminated;

7 whichever is later of (a) or (b). Nothing in this Section 5-915  
8 precludes a minor from obtaining expungement under Section  
9 5-622.

10 (2.5) If a minor is arrested and no petition for  
11 delinquency is filed with the clerk of the circuit court as  
12 provided in paragraph (a) of subsection (1) at the time the  
13 minor is released from custody, the youth officer, if  
14 applicable, or other designated person from the arresting  
15 agency, shall notify verbally and in writing to the minor or  
16 the minor's parents or guardians that if the State's Attorney  
17 does not file a petition for delinquency, the minor has a right  
18 to petition to have his or her arrest record expunged when the  
19 minor attains the age of 18 or when all juvenile court  
20 proceedings relating to that minor have been terminated and  
21 that unless a petition to expunge is filed, the minor shall  
22 have an arrest record and shall provide the minor and the  
23 minor's parents or guardians with an expungement information  
24 packet, including a petition to expunge juvenile records  
25 obtained from the clerk of the circuit court.

26 (2.6) If a minor is charged with an offense and is found

1 not delinquent of that offense; or if a minor is placed under  
2 supervision under Section 5-615, and the order of supervision  
3 is successfully terminated; or if a minor is adjudicated for an  
4 offense that would be a Class B misdemeanor, a Class C  
5 misdemeanor, or a business or petty offense if committed by an  
6 adult; or if a minor has incidents occurring before his or her  
7 21st ~~18th~~ birthday that have not resulted in proceedings in  
8 criminal court, or resulted in proceedings in juvenile court,  
9 and the adjudications were not based upon first degree murder  
10 or sex offenses that would be felonies if committed by an  
11 adult; then at the time of sentencing or dismissal of the case,  
12 the judge shall inform the delinquent minor of his or her right  
13 to petition for expungement as provided by law, and the clerk  
14 of the circuit court shall provide an expungement information  
15 packet to the delinquent minor, written in plain language,  
16 including a petition for expungement, a sample of a completed  
17 petition, expungement instructions that shall include  
18 information informing the minor that (i) once the case is  
19 expunged, it shall be treated as if it never occurred, (ii) he  
20 or she may apply to have petition fees waived, (iii) once he or  
21 she obtains an expungement, he or she may not be required to  
22 disclose that he or she had a juvenile record, and (iv) he or  
23 she may file the petition on his or her own or with the  
24 assistance of an attorney. The failure of the judge to inform  
25 the delinquent minor of his or her right to petition for  
26 expungement as provided by law does not create a substantive



1 right, nor is that failure grounds for: (i) a reversal of an  
2 adjudication of delinquency, (ii) a new trial; or (iii) an  
3 appeal.

4 (2.7) For counties with a population over 3,000,000, the  
5 clerk of the circuit court shall send a "Notification of a  
6 Possible Right to Expungement" post card to the minor at the  
7 address last received by the clerk of the circuit court on the  
8 date that the minor attains the age of 21 ~~18~~ based on the  
9 birthdate provided to the court by the minor or his or her  
10 guardian in cases under paragraphs (b), (c), and (d) of  
11 subsection (1); and when the minor attains the age of 21 based  
12 on the birthdate provided to the court by the minor or his or  
13 her guardian in cases under subsection (2).

14 (2.8) The petition for expungement for subsection (1) may  
15 include multiple offenses on the same petition and shall be  
16 substantially in the following form:

17 IN THE CIRCUIT COURT OF ....., ILLINOIS  
18 ..... JUDICIAL CIRCUIT

19 IN THE INTEREST OF ) NO.  
20 )  
21 )  
22 .....)  
23 (Name of Petitioner)

(705 ILCS 405/5-915 (SUBSECTION 1))

Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of 18, his/her birth date being ....., or all Juvenile Court proceedings terminated as of ....., whichever occurred later. Petitioner was arrested on ..... by the ..... Police Department for the offense or offenses of ....., and:

(Check All That Apply:)

( ) a. no petition or petitions were filed with the Clerk of the Circuit Court.

( ) b. was charged with ..... and was found not delinquent of the offense or offenses.

( ) c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on .....

( ) d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....

( ) e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list

1 the charges below:

2 Charge(s): .....

3 Arresting Agency or Agencies: .....

4 Disposition/Result: (choose from a. through e., above): .....

5 WHEREFORE, the petitioner respectfully requests this Honorable  
6 Court to (1) order all law enforcement agencies to expunge all  
7 records of petitioner to this incident or incidents, and (2) to  
8 order the Clerk of the Court to expunge all records concerning  
9 the petitioner regarding this incident or incidents.

10 .....

11 Petitioner (Signature)

12 .....

13 Petitioner's Street Address

14 .....

15 City, State, Zip Code

16 .....

17 Petitioner's Telephone Number

18 Pursuant to the penalties of perjury under the Code of Civil  
19 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
20 statements in this petition are true and correct, or on  
21 information and belief I believe the same to be true.

1 .....  
2

3 Petitioner (Signature)

4 The Petition for Expungement for subsection (2) shall be  
5 substantially in the following form:

6 IN THE CIRCUIT COURT OF ....., ILLINOIS

7 ..... JUDICIAL CIRCUIT

8 IN THE INTEREST OF ) NO.

9 )

10 )

11 .....)

12 (Name of Petitioner)

13 PETITION TO EXPUNGE JUVENILE RECORDS

14 (705 ILCS 405/5-915 (SUBSECTION 2))

15 (Please prepare a separate petition for each offense)

16 Now comes ....., petitioner, and respectfully requests  
17 that this Honorable Court enter an order expunging all Juvenile  
18 Law Enforcement and Court records of petitioner and in support  
19 thereof states that:

20 The incident for which the Petitioner seeks expungement  
21 occurred before the Petitioner's 21st ~~18th~~ birthday and did not  
22 result in proceedings in criminal court and the Petitioner has  
not had any convictions for any crime since his or her 21st

1 ~~his/her 18th~~ birthday; and

2 The incident for which the Petitioner seeks expungement  
3 occurred before the Petitioner's 21st ~~18th~~ birthday and the  
4 adjudication was not based upon first-degree murder or sex  
5 offenses which would be felonies if committed by an adult, and  
6 the Petitioner has not had any convictions for any crime since  
7 his or her 21st ~~his/her 18th~~ birthday.

8 Petitioner was arrested on ..... by the ..... Police  
9 Department for the offense of ....., and:

10 (Check whichever one occurred the latest:)

11 ( ) a. The Petitioner has attained the age of 21 years, his/her  
12 birthday being .....; or

13 ( ) b. 5 years have elapsed since all juvenile court  
14 proceedings relating to the Petitioner have been terminated; or  
15 the Petitioner's commitment to the Department of Juvenile  
16 Justice pursuant to the expungement of juvenile law enforcement  
17 and court records provisions of the Juvenile Court Act of 1987  
18 has been terminated. Petitioner ...has ...has not been arrested  
19 on charges in this or any other county other than the charge  
20 listed above. If petitioner has been arrested on additional  
21 charges, please list the charges below:

22 Charge(s): .....

23 Arresting Agency or Agencies: .....

24 Disposition/Result: (choose from a or b, above): .....

25 WHEREFORE, the petitioner respectfully requests this Honorable  
26 Court to (1) order all law enforcement agencies to expunge all

1 records of petitioner related to this incident, and (2) to  
 2 order the Clerk of the Court to expunge all records concerning  
 3 the petitioner regarding this incident.

4 .....  
 5

Petitioner (Signature)

6 .....  
 7

Petitioner's Street Address

8 .....  
 9

City, State, Zip Code

10 .....  
 11

Petitioner's Telephone Number

12 Pursuant to the penalties of perjury under the Code of Civil  
 13 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
 14 statements in this petition are true and correct, or on  
 15 information and belief I believe the same to be true.

16 .....  
 17

Petitioner (Signature)

18 (3) The chief judge of the circuit in which an arrest was  
 19 made or a charge was brought or any judge of that circuit  
 20 designated by the chief judge may, upon verified petition of a  
 21 person who is the subject of an arrest or a juvenile court  
 22 proceeding under subsection (1) or (2) of this Section, order

1 the law enforcement records or official court file, or both, to  
2 be expunged from the official records of the arresting  
3 authority, the clerk of the circuit court and the Department of  
4 State Police. The person whose records are to be expunged shall  
5 petition the court using the appropriate form containing his or  
6 her current address and shall promptly notify the clerk of the  
7 circuit court of any change of address. Notice of the petition  
8 shall be served upon the State's Attorney or prosecutor charged  
9 with the duty of prosecuting the offense, the Department of  
10 State Police, and the arresting agency or agencies by the clerk  
11 of the circuit court. If an objection is filed within 45 days  
12 of the notice of the petition, the clerk of the circuit court  
13 shall set a date for hearing after the 45 day objection period.  
14 At the hearing the court shall hear evidence on whether the  
15 expungement should or should not be granted. Unless the State's  
16 Attorney or prosecutor, the Department of State Police, or an  
17 arresting agency objects to the expungement within 45 days of  
18 the notice, the court may enter an order granting expungement.  
19 The person whose records are to be expunged shall pay the clerk  
20 of the circuit court a fee equivalent to the cost associated  
21 with expungement of records by the clerk and the Department of  
22 State Police. The clerk shall forward a certified copy of the  
23 order to the Department of State Police, the appropriate  
24 portion of the fee to the Department of State Police for  
25 processing, and deliver a certified copy of the order to the  
26 arresting agency.

1 (3.1) The Notice of Expungement shall be in substantially  
2 the following form:

3 IN THE CIRCUIT COURT OF ....., ILLINOIS  
4 ..... JUDICIAL CIRCUIT

5 IN THE INTEREST OF ) NO.  
6 )  
7 )  
8 .....)  
9 (Name of Petitioner)

10 NOTICE

11 TO: State's Attorney

12 TO: Arresting Agency

13  
14 .....

15 .....

16  
17 .....

18 .....

19 TO: Illinois State Police

20  
21 .....

22  
23 .....

24 ATTENTION: Expungement



1 You are hereby notified that on ....., at ....., in courtroom  
 2 ..., located at ..., before the Honorable ..., Judge, or any  
 3 judge sitting in his/her stead, I shall then and there present  
 4 a Petition to Expunge Juvenile records in the above-entitled  
 5 matter, at which time and place you may appear.

6 .....  
 7 Petitioner's Signature  
 8 .....  
 9 Petitioner's Street Address  
 10 .....  
 11 City, State, Zip Code  
 12 .....  
 13 Petitioner's Telephone Number

PROOF OF SERVICE

15 On the ..... day of ....., 20..., I on oath state that I  
 16 served this notice and true and correct copies of the  
 17 above-checked documents by:

18 (Check One:)

19 delivering copies personally to each entity to whom they are  
 20 directed;

21 or

22 by mailing copies to each entity to whom they are directed by  
 23 depositing the same in the U.S. Mail, proper postage fully  
 24 prepaid, before the hour of 5:00 p.m., at the United States  
 25 Postal Depository located at .....

26 .....

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Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....

Address: .....

Telephone Number: .....

(3.2) The Order of Expungement shall be in substantially  
the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

..... JUDICIAL CIRCUIT

IN THE INTEREST OF ) NO.

)

)

.....)

(Name of Petitioner)

DOB .....

Arresting Agency/Agencies .....

ORDER OF EXPUNGEMENT

(705 ILCS 405/5-915 (SUBSECTION 3))

This matter having been heard on the petitioner's motion and  
the court being fully advised in the premises does find that  
the petitioner is indigent or has presented reasonable cause to  
waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs

1 are hereby waived in this matter.

2 ( ) 2. The Illinois State Police Bureau of Identification  
3 and the following law enforcement agencies expunge all records  
4 of petitioner relating to an arrest dated ..... for the  
5 offense of .....

6 Law Enforcement Agencies:  
7 .....  
8 .....

9 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
10 Court expunge all records regarding the above-captioned case.

11 ENTER: .....

12

13 JUDGE

14 DATED: .....

15 Name:

16 Attorney for:

17 Address: City/State/Zip:

18 Attorney Number:

19 (3.3) The Notice of Objection shall be in substantially the  
20 following form:

21 IN THE CIRCUIT COURT OF ....., ILLINOIS

22 ..... JUDICIAL CIRCUIT

23 IN THE INTEREST OF ) NO.

24 )

25 )

1 .....)

2 (Name of Petitioner)

3 NOTICE OF OBJECTION

4 TO: (Attorney, Public Defender, Minor)

5 .....

6 .....

7 TO: (Illinois State Police)

8 .....

9 .....

10 TO: (Clerk of the Court)

11 .....

12 .....

13 TO: (Judge)

14 .....

15 .....

16 TO: (Arresting Agency/Agencies)

17 .....

18 .....

19 ATTENTION: You are hereby notified that an objection has been  
20 filed by the following entity regarding the above-named minor's  
21 petition for expungement of juvenile records:

22 ( ) State's Attorney's Office;

23 ( ) Prosecutor (other than State's Attorney's Office) charged  
24 with the duty of prosecuting the offense sought to be expunged;

25 ( ) Department of Illinois State Police; or

1 ( ) Arresting Agency or Agencies.

2 The agency checked above respectfully requests that this case  
3 be continued and set for hearing on whether the expungement  
4 should or should not be granted.

5 DATED: .....

6 Name:

7 Attorney For:

8 Address:

9 City/State/Zip:

10 Telephone:

11 Attorney No.:

12 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

13 This matter has been set for hearing on the foregoing  
14 objection, on ..... in room ....., located at ....., before the  
15 Honorable ....., Judge, or any judge sitting in his/her stead.  
16 (Only one hearing shall be set, regardless of the number of  
17 Notices of Objection received on the same case).

18 A copy of this completed Notice of Objection containing the  
19 court date, time, and location, has been sent via regular U.S.  
20 Mail to the following entities. (If more than one Notice of  
21 Objection is received on the same case, each one must be  
22 completed with the court date, time and location and mailed to  
23 the following entities):

24 ( ) Attorney, Public Defender or Minor;

25 ( ) State's Attorney's Office;

26 ( ) Prosecutor (other than State's Attorney's Office) charged

1 with the duty of prosecuting the offense sought to be expunged;  
2 ( ) Department of Illinois State Police; and  
3 ( ) Arresting agency or agencies.

4 Date: .....

5 Initials of Clerk completing this section: .....

6 (4) Upon entry of an order expunging records or files, the  
7 offense, which the records or files concern shall be treated as  
8 if it never occurred. Law enforcement officers and other public  
9 offices and agencies shall properly reply on inquiry that no  
10 record or file exists with respect to the person.

11 (5) Records which have not been expunged are sealed, and  
12 may be obtained only under the provisions of Sections 5-901,  
13 5-905 and 5-915.

14 (6) Nothing in this Section shall be construed to prohibit  
15 the maintenance of information relating to an offense after  
16 records or files concerning the offense have been expunged if  
17 the information is kept in a manner that does not enable  
18 identification of the offender. This information may only be  
19 used for statistical and bona fide research purposes.

20 (6.5) The Department of State Police or any employee of the  
21 Department shall be immune from civil or criminal liability for  
22 failure to expunge any records of arrest that are subject to  
23 expungement under subsection (1.5) or (1.6) of this Section  
24 because of inability to verify a record. Nothing in subsection  
25 (1.5) or (1.6) of this Section shall create Department of State  
26 Police liability or responsibility for the expungement of law

1 enforcement records it does not possess.

2 (7) (a) The State Appellate Defender shall establish,  
3 maintain, and carry out, by December 31, 2004, a juvenile  
4 expungement program to provide information and assistance to  
5 minors eligible to have their juvenile records expunged.

6 (b) The State Appellate Defender shall develop brochures,  
7 pamphlets, and other materials in printed form and through the  
8 agency's World Wide Web site. The pamphlets and other materials  
9 shall include at a minimum the following information:

10 (i) An explanation of the State's juvenile expungement  
11 process;

12 (ii) The circumstances under which juvenile  
13 expungement may occur;

14 (iii) The juvenile offenses that may be expunged;

15 (iv) The steps necessary to initiate and complete the  
16 juvenile expungement process; and

17 (v) Directions on how to contact the State Appellate  
18 Defender.

19 (c) The State Appellate Defender shall establish and  
20 maintain a statewide toll-free telephone number that a person  
21 may use to receive information or assistance concerning the  
22 expungement of juvenile records. The State Appellate Defender  
23 shall advertise the toll-free telephone number statewide. The  
24 State Appellate Defender shall develop an expungement  
25 information packet that may be sent to eligible persons seeking  
26 expungement of their juvenile records, which may include, but

1 is not limited to, a pre-printed expungement petition with  
2 instructions on how to complete the petition and a pamphlet  
3 containing information that would assist individuals through  
4 the juvenile expungement process.

5 (d) The State Appellate Defender shall compile a statewide  
6 list of volunteer attorneys willing to assist eligible  
7 individuals through the juvenile expungement process.

8 (e) This Section shall be implemented from funds  
9 appropriated by the General Assembly to the State Appellate  
10 Defender for this purpose. The State Appellate Defender shall  
11 employ the necessary staff and adopt the necessary rules for  
12 implementation of this Section.

13 (8) (a) Except with respect to law enforcement agencies, the  
14 Department of Corrections, State's Attorneys, or other  
15 prosecutors, an expunged juvenile record may not be considered  
16 by any private or public entity in employment matters,  
17 certification, licensing, revocation of certification or  
18 licensure, or registration. Applications for employment must  
19 contain specific language that states that the applicant is not  
20 obligated to disclose expunged juvenile records of conviction  
21 or arrest. Employers may not ask if an applicant has had a  
22 juvenile record expunged. Effective January 1, 2005, the  
23 Department of Labor shall develop a link on the Department's  
24 website to inform employers that employers may not ask if an  
25 applicant had a juvenile record expunged and that application  
26 for employment must contain specific language that states that



1 the applicant is not obligated to disclose expunged juvenile  
2 records of arrest or conviction.

3 (b) A person whose juvenile records have been expunged is  
4 not entitled to remission of any fines, costs, or other money  
5 paid as a consequence of expungement. This amendatory Act of  
6 the 93rd General Assembly does not affect the right of the  
7 victim of a crime to prosecute or defend a civil action for  
8 damages.

9 (c) The expungement of juvenile records under Section 5-622  
10 shall be funded by the additional fine imposed under Section  
11 5-9-1.17 of the Unified Code of Corrections and additional  
12 appropriations made by the General Assembly for such purpose.

13 (9) The changes made to this Section by Public Act 98-61  
14 apply to law enforcement records of a minor who has been  
15 arrested or taken into custody on or after January 1, 2014 (the  
16 effective date of Public Act 98-61).

17 (10) The changes made in subsection (1.5) of this Section  
18 by this amendatory Act of the 98th General Assembly apply to  
19 law enforcement records of a minor who has been arrested or  
20 taken into custody on or after January 1, 2015. The changes  
21 made in subsection (1.6) of this Section by this amendatory Act  
22 of the 98th General Assembly apply to law enforcement records  
23 of a minor who has been arrested or taken into custody before  
24 January 1, 2015.

25 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,  
26 eff. 7-16-14.)

1           Section 10. The Unified Code of Corrections is amended by  
2 changing Sections 3-2-5, 3-10-7, and 5-8-6 as follows:

3           (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

4           Sec. 3-2-5. Organization of the Department of Corrections  
5 and the Department of Juvenile Justice.

6           (a) There shall be a Department of Corrections which shall  
7 be administered by a Director and an Assistant Director  
8 appointed by the Governor under the Civil Administrative Code  
9 of Illinois. The Assistant Director shall be under the  
10 direction of the Director. The Department of Corrections shall  
11 be responsible for all persons committed or transferred to the  
12 Department under Sections 3-10-7 or 5-8-6 of this Code.

13           (b) There shall be a Department of Juvenile Justice which  
14 shall be administered by a Director appointed by the Governor  
15 under the Civil Administrative Code of Illinois. The Department  
16 of Juvenile Justice shall be responsible for all persons under  
17 21 ~~17~~ years of age when sentenced to imprisonment and committed  
18 to the Department under subsection (c) of Section 5-8-6 of this  
19 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750  
20 of the Juvenile Court Act of 1987. Persons under 21 ~~17~~ years of  
21 age committed to the Department of Juvenile Justice pursuant to  
22 this Code shall be sight and sound separate from adult  
23 offenders committed to the Department of Corrections.

24           (c) The Department shall create a gang intelligence unit

1 under the supervision of the Director. The unit shall be  
2 specifically designed to gather information regarding the  
3 inmate gang population, monitor the activities of gangs, and  
4 prevent the furtherance of gang activities through the  
5 development and implementation of policies aimed at deterring  
6 gang activity. The Director shall appoint a Corrections  
7 Intelligence Coordinator.

8 All information collected and maintained by the unit shall  
9 be highly confidential, and access to that information shall be  
10 restricted by the Department. The information shall be used to  
11 control and limit the activities of gangs within correctional  
12 institutions under the jurisdiction of the Illinois Department  
13 of Corrections and may be shared with other law enforcement  
14 agencies in order to curb gang activities outside of  
15 correctional institutions under the jurisdiction of the  
16 Department and to assist in the investigations and prosecutions  
17 of gang activity. The Department shall establish and promulgate  
18 rules governing the release of information to outside law  
19 enforcement agencies. Due to the highly sensitive nature of the  
20 information, the information is exempt from requests for  
21 disclosure under the Freedom of Information Act as the  
22 information contained is highly confidential and may be harmful  
23 if disclosed.

24 (Source: P.A. 97-800, eff. 7-13-12; 97-1083, eff. 8-24-12;  
25 98-463, eff. 8-16-13.)

1 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

2 Sec. 3-10-7. Interdivisional Transfers.

3 (a) In any case where a minor was originally prosecuted  
4 under the provisions of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 and sentenced under the provisions of  
6 this Act pursuant to Section 2-7 of the Juvenile Court Act or  
7 Section 5-805 of the Juvenile Court Act of 1987 and committed  
8 to the Department of Juvenile Justice under Section 5-8-6, the  
9 Department of Juvenile Justice shall, within 30 days of the  
10 date that the minor reaches the age of 21 ~~17~~, send formal  
11 notification to the sentencing court and the State's Attorney  
12 of the county from which the minor was sentenced indicating the  
13 day upon which the minor offender will achieve the age of 21  
14 ~~17~~. Within 90 days of receipt of that notice, the sentencing  
15 court shall conduct a hearing, pursuant to the provisions of  
16 subsection (c) of this Section to determine whether or not the  
17 minor shall continue to remain under the auspices of the  
18 Department of Juvenile Justice or be transferred to the  
19 Department of Corrections.

20 The minor shall be served with notice of the date of the  
21 hearing, shall be present at the hearing, and has the right to  
22 counsel at the hearing. The minor, with the consent of his or  
23 her counsel or guardian may waive his presence at hearing.

24 (b) Unless sooner paroled under Section 3-3-3, the  
25 confinement of a minor person committed for an indeterminate  
26 sentence in a criminal proceeding shall terminate at the

1 expiration of the maximum term of imprisonment, and he shall  
2 thereupon be released to serve a period of parole under Section  
3 5-8-1, but if the maximum term of imprisonment does not expire  
4 until after his 21st birthday, he shall continue to be subject  
5 to the control and custody of the Department of Juvenile  
6 Justice, and on his 21st birthday, he shall be transferred to  
7 the Department of Corrections. If such person is on parole on  
8 his 21st birthday, his parole supervision may be transferred to  
9 the Department of Corrections.

10 (c) Any interdivisional transfer hearing conducted  
11 pursuant to subsection (a) of this Section shall consider all  
12 available information which may bear upon the issue of  
13 transfer. All evidence helpful to the court in determining the  
14 question of transfer, including oral and written reports  
15 containing hearsay, may be relied upon to the extent of its  
16 probative value, even though not competent for the purposes of  
17 an adjudicatory hearing. The court shall consider, along with  
18 any other relevant matter, the following:

19 1. The nature of the offense for which the minor was  
20 found guilty and the length of the sentence the minor has  
21 to serve and the record and previous history of the minor.

22 2. The record of the minor's adjustment within the  
23 Department of Juvenile Justice, including, but not limited  
24 to, reports from the minor's counselor, any escapes,  
25 attempted escapes or violent or disruptive conduct on the  
26 part of the minor, any tickets received by the minor,

1 summaries of classes attended by the minor, and any record  
2 of work performed by the minor while in the institution.

3 3. The relative maturity of the minor based upon the  
4 physical, psychological and emotional development of the  
5 minor.

6 4. The record of the rehabilitative progress of the  
7 minor and an assessment of the vocational potential of the  
8 minor.

9 5. An assessment of the necessity for transfer of the  
10 minor, including, but not limited to, the availability of  
11 space within the Department of Corrections, the  
12 disciplinary and security problem which the minor has  
13 presented to the Department of Juvenile Justice and the  
14 practicability of maintaining the minor in a juvenile  
15 facility, whether resources have been exhausted within the  
16 Department of Juvenile Justice, the availability of  
17 rehabilitative and vocational programs within the  
18 Department of Corrections, and the anticipated ability of  
19 the minor to adjust to confinement within an adult  
20 institution based upon the minor's physical size and  
21 maturity.

22 All relevant factors considered under this subsection need  
23 not be resolved against the juvenile in order to justify such  
24 transfer. Access to social records, probation reports or any  
25 other reports which are considered by the court for the purpose  
26 of transfer shall be made available to counsel for the juvenile

1 at least 30 days prior to the date of the transfer hearing. The  
2 Sentencing Court, upon granting a transfer order, shall  
3 accompany such order with a statement of reasons.

4 (d) Whenever the Director of Juvenile Justice or his  
5 designee determines that the interests of safety, security and  
6 discipline require the transfer to the Department of  
7 Corrections of a person 21 ~~17~~ years or older who was prosecuted  
8 under the provisions of the Criminal Code of 1961 or the  
9 Criminal Code of 2012 and sentenced under the provisions of  
10 this Act pursuant to Section 2-7 of the Juvenile Court Act or  
11 Section 5-805 of the Juvenile Court Act of 1987 and committed  
12 to the Department of Juvenile Justice under Section 5-8-6, the  
13 Director or his designee may authorize the emergency transfer  
14 of such person, unless the transfer of the person is governed  
15 by subsection (e) of this Section. The sentencing court shall  
16 be provided notice of any emergency transfer no later than 3  
17 days after the emergency transfer. Upon motion brought within  
18 60 days of the emergency transfer by the sentencing court or  
19 any party, the sentencing court may conduct a hearing pursuant  
20 to the provisions of subsection (c) of this Section in order to  
21 determine whether the person shall remain confined in the  
22 Department of Corrections.

23 (e) The Director of Juvenile Justice or his designee may  
24 authorize the permanent transfer to the Department of  
25 Corrections of any person 21 ~~19~~ years or older who was  
26 prosecuted under the provisions of the Criminal Code of 1961 or

1 the Criminal Code of 2012 and sentenced under the provisions of  
2 this Act pursuant to Section 2-7 of the Juvenile Court Act or  
3 Section 5-805 of the Juvenile Court Act of 1987 and committed  
4 to the Department of Juvenile Justice under Section 5-8-6 of  
5 this Act. The Director of Juvenile Justice or his designee  
6 shall be governed by the following factors in determining  
7 whether to authorize the permanent transfer of the person to  
8 the Department of Corrections:

9 1. The nature of the offense for which the person was  
10 found guilty and the length of the sentence the person has  
11 to serve and the record and previous history of the person.

12 2. The record of the person's adjustment within the  
13 Department of Juvenile Justice, including, but not limited  
14 to, reports from the person's counselor, any escapes,  
15 attempted escapes or violent or disruptive conduct on the  
16 part of the person, any tickets received by the person,  
17 summaries of classes attended by the person, and any record  
18 of work performed by the person while in the institution.

19 3. The relative maturity of the person based upon the  
20 physical, psychological and emotional development of the  
21 person.

22 4. The record of the rehabilitative progress of the  
23 person and an assessment of the vocational potential of the  
24 person.

25 5. An assessment of the necessity for transfer of the  
26 person, including, but not limited to, the availability of



1 space within the Department of Corrections, the  
2 disciplinary and security problem which the person has  
3 presented to the Department of Juvenile Justice and the  
4 practicability of maintaining the person in a juvenile  
5 facility, whether resources have been exhausted within the  
6 Department of Juvenile Justice, the availability of  
7 rehabilitative and vocational programs within the  
8 Department of Corrections, and the anticipated ability of  
9 the person to adjust to confinement within an adult  
10 institution based upon the person's physical size and  
11 maturity.

12 (Source: P.A. 97-1083, eff. 8-24-12; 97-1150, eff. 1-25-13.)

13 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

14 Sec. 5-8-6. Place of Confinement.

15 (a) Offenders sentenced to a term of imprisonment for a  
16 felony shall be committed to the penitentiary system of the  
17 Department of Corrections. However, such sentence shall not  
18 limit the powers of the Department of Children and Family  
19 Services in relation to any child under the age of one year in  
20 the sole custody of a person so sentenced, nor in relation to  
21 any child delivered by a female so sentenced while she is so  
22 confined as a consequence of such sentence. A person sentenced  
23 for a felony may be assigned by the Department of Corrections  
24 to any of its institutions, facilities or programs.

25 (b) Offenders sentenced to a term of imprisonment for less

1 than one year shall be committed to the custody of the sheriff.  
2 A person committed to the Department of Corrections, prior to  
3 July 14, 1983, for less than one year may be assigned by the  
4 Department to any of its institutions, facilities or programs.

5 (c) All offenders under 21 ~~17~~ years of age when sentenced  
6 to imprisonment shall be committed to the Department of  
7 Juvenile Justice and the court in its order of commitment shall  
8 set a definite term. Such order of commitment shall be the  
9 sentence of the court which may be amended by the court while  
10 jurisdiction is retained; and such sentence shall apply  
11 whenever the offender sentenced is in the control and custody  
12 of the Department of Corrections. The provisions of Section  
13 3-3-3 shall be a part of such commitment as fully as though  
14 written in the order of commitment. The committing court shall  
15 retain jurisdiction of the subject matter and the person until  
16 he or she reaches the age of 21 unless earlier discharged.  
17 However, the Department of Juvenile Justice shall, after a  
18 juvenile has reached 21 ~~17~~ years of age, petition the court to  
19 conduct a hearing pursuant to subsection (c) of Section 3-10-7  
20 of this Code.

21 (d) No defendant shall be committed to the Department of  
22 Corrections for the recovery of a fine or costs.

23 (e) When a court sentences a defendant to a term of  
24 imprisonment concurrent with a previous and unexpired sentence  
25 of imprisonment imposed by any district court of the United  
26 States, it may commit the offender to the custody of the

1 Attorney General of the United States. The Attorney General of  
2 the United States, or the authorized representative of the  
3 Attorney General of the United States, shall be furnished with  
4 the warrant of commitment from the court imposing sentence,  
5 which warrant of commitment shall provide that, when the  
6 offender is released from federal confinement, whether by  
7 parole or by termination of sentence, the offender shall be  
8 transferred by the Sheriff of the committing county to the  
9 Department of Corrections. The court shall cause the Department  
10 to be notified of such sentence at the time of commitment and  
11 to be provided with copies of all records regarding the  
12 sentence.

13 (Source: P.A. 94-696, eff. 6-1-06.)