

# HB2934



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2934

by Rep. Bob Morgan

### SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-15

from Ch. 37, par. 802-15

Amends the Juvenile Court Act of 1987. Provides that service of a summons and petition shall be made by leaving a copy at his or her usual place of abode with a person residing there.

LRB101 10500 SLF 55606 b

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 2-15 as follows:

6 (705 ILCS 405/2-15) (from Ch. 37, par. 802-15)

7 Sec. 2-15. Summons.

8 (1) When a petition is filed, the clerk of the court shall  
9 issue a summons with a copy of the petition attached. The  
10 summons shall be directed to the minor's legal guardian or  
11 custodian and to each person named as a respondent in the  
12 petition, except that summons need not be directed to a minor  
13 respondent under 8 years of age for whom the court appoints a  
14 guardian ad litem if the guardian ad litem appears on behalf of  
15 the minor in any proceeding under this Act.

16 (2) The summons must contain a statement that the minor or  
17 any of the respondents is entitled to have an attorney present  
18 at the hearing on the petition, and that the clerk of the court  
19 should be notified promptly if the minor or any other  
20 respondent desires to be represented by an attorney but is  
21 financially unable to employ counsel.

22 (3) The summons shall be issued under the seal of the  
23 court, attested in and signed with the name of the clerk of the

1 court, dated on the day it is issued, and shall require each  
2 respondent to appear and answer the petition on the date set  
3 for the adjudicatory hearing. The summons shall contain a  
4 notice that the parties will not be entitled to further written  
5 notices or publication notices of proceedings in this case,  
6 including the filing of an amended petition or a motion to  
7 terminate parental rights, except as required by Supreme Court  
8 Rule 11.

9 (4) The summons may be served by any county sheriff,  
10 coroner or probation officer, even though the officer is the  
11 petitioner. The return of the summons with endorsement of  
12 service by the officer is sufficient proof thereof.

13 (5) Service of a summons and petition shall be made by: (a)  
14 leaving a copy thereof with the person summoned at least 3 days  
15 before the time stated therein for appearance; (b) leaving a  
16 copy at his or her usual place of abode with some person of the  
17 family or a person residing there, of the age of 10 years or  
18 upwards, and informing that person of the contents thereof,  
19 provided the officer or other person making service shall also  
20 send a copy of the summons in a sealed envelope with postage  
21 fully prepaid, addressed to the person summoned at his usual  
22 place of abode, at least 3 days before the time stated therein  
23 for appearance; or (c) leaving a copy thereof with the guardian  
24 or custodian of a minor, at least 3 days before the time stated  
25 therein for appearance. If the guardian or custodian is an  
26 agency of the State of Illinois, proper service may be made by

1 leaving a copy of the summons and petition with any  
2 administrative employee of such agency designated by such  
3 agency to accept service of summons and petitions. The  
4 certificate of the officer or affidavit of the person that he  
5 has sent the copy pursuant to this Section is sufficient proof  
6 of service.

7 (6) When a parent or other person, who has signed a written  
8 promise to appear and bring the minor to court or who has  
9 waived or acknowledged service, fails to appear with the minor  
10 on the date set by the court, a bench warrant may be issued for  
11 the parent or other person, the minor, or both.

12 (7) The appearance of the minor's legal guardian or  
13 custodian, or a person named as a respondent in a petition, in  
14 any proceeding under this Act shall constitute a waiver of  
15 service of summons and submission to the jurisdiction of the  
16 court, except that the filing of a motion authorized under  
17 Section 2-301 of the Code of Civil Procedure does not  
18 constitute an appearance under this subsection. A copy of the  
19 summons and petition shall be provided to the person at the  
20 time of his appearance.

21 (8) Notice to a parent who has appeared or been served with  
22 summons personally or by certified mail, and for whom an order  
23 of default has been entered on the petition for wardship and  
24 has not been set aside shall be provided in accordance with  
25 Supreme Court Rule 11. Notice to a parent who was served by  
26 publication and for whom an order of default has been entered

1 on the petition for wardship and has not been set aside shall  
2 be provided in accordance with this Section and Section 2-16.

3 (Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608,  
4 eff. 6-30-98; 91-145, eff. 1-1-00.)