

SB0193



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0193

Introduced 1/30/2019, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-31
705 ILCS 405/2-33

from Ch. 37, par. 802-31

Amends the Juvenile Court Act of 1987. Provides that all proceedings under the Act in respect to any minor automatically terminate upon his or her attaining the age of 21 years (rather than 19 years). Makes conforming changes. Effective immediately.

LRB101 08510 SLF 53587 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 Sections 2-31 and 2-33 as follows:

6 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

7 Sec. 2-31. Duration of wardship and discharge of
8 proceedings.

9 (1) All proceedings under this Act in respect of any minor
10 ~~for whom a petition was filed after the effective date of this~~
11 ~~amendatory Act of 1991~~ automatically terminate upon his or her
12 attaining the age of 21 ~~19~~ years, ~~except that a court may~~
13 ~~continue the wardship of a minor until age 21 for good cause~~
14 ~~when there is satisfactory evidence presented to the court and~~
15 ~~the court makes written factual findings that the health,~~
16 ~~safety, and best interest of the minor and the public require~~
17 ~~the continuation of the wardship. A court shall find that it is~~
18 ~~in the minor's best interest to continue wardship if the~~
19 ~~Department of Children and Family Services has not made~~
20 ~~reasonable efforts to ensure that the minor has documents~~
21 ~~necessary for adult living as provided in Section 35.10 of the~~
22 ~~Children and Family Services Act.~~

23 (2) Whenever the court determines, and makes written

1 factual findings, that health, safety, and the best interests
2 of the minor and the public no longer require the wardship of
3 the court, the court shall order the wardship terminated and
4 all proceedings under this Act respecting that minor finally
5 closed and discharged. The court may at the same time continue
6 or terminate any custodianship or guardianship theretofore
7 ordered but the termination must be made in compliance with
8 Section 2-28. When terminating wardship under this Section, if
9 the minor is over 18, or if wardship is terminated in
10 conjunction with an order partially or completely emancipating
11 the minor in accordance with the Emancipation of Minors Act,
12 the court shall also make specific findings of fact as to the
13 minor's wishes regarding case closure and the manner in which
14 the minor will maintain independence. The minor's lack of
15 cooperation with services provided by the Department of
16 Children and Family Services shall not by itself be considered
17 sufficient evidence that the minor is prepared to live
18 independently and that it is in the best interest of the minor
19 to terminate wardship. It shall not be in the minor's best
20 interest to terminate wardship of a minor over the age of 18
21 who is in the guardianship of the Department of Children and
22 Family Services if the Department has not made reasonable
23 efforts to ensure that the minor has documents necessary for
24 adult living as provided in Section 35.10 of the Children and
25 Family Services Act.

26 (3) (Blank). ~~The wardship of the minor and any~~

1 ~~eustodianship or guardianship respecting the minor for whom a~~
2 ~~petition was filed after the effective date of this amendatory~~
3 ~~Act of 1991 automatically terminates when he attains the age of~~
4 ~~19 years except as set forth in subsection (1) of this Section.~~
5 ~~The clerk of the court shall at that time record all~~
6 ~~proceedings under this Act as finally closed and discharged for~~
7 ~~that reason.~~

8 (Source: P.A. 100-680, eff. 1-1-19.)

9 (705 ILCS 405/2-33)

10 Sec. 2-33. Supplemental petition to reinstate wardship.

11 (1) Any time prior to a minor's 18th birthday, pursuant to
12 a supplemental petition filed under this Section, the court may
13 reinstate wardship and open a previously closed case when:

14 (a) wardship and guardianship under the Juvenile Court
15 Act of 1987 was vacated in conjunction with the appointment
16 of a private guardian under the Probate Act of 1975;

17 (b) the minor is not presently a ward of the court
18 under Article II of this Act nor is there a petition for
19 adjudication of wardship pending on behalf of the minor;
20 and

21 (c) it is in the minor's best interest that wardship be
22 reinstated.

23 (2) Any time prior to a minor's 21st birthday, pursuant to
24 a supplemental petition filed under this Section, the court may
25 reinstate wardship and open a previously closed case when:

1 (a) wardship and guardianship under this Act was
2 vacated pursuant to:

3 (i) an order entered under subsection (2) of
4 Section 2-31 in the case of a minor over the age of 18;

5 (ii) closure of a case under subsection (2) of
6 Section 2-31 in the case of a minor under the age of 18
7 who has been partially or completely emancipated in
8 accordance with the Emancipation of Minors Act; or

9 (iii) an order entered under subsection (3) of
10 Section 2-31 based on the minor's attaining the age of
11 19 years before the effective date of this amendatory
12 Act of the 101st General Assembly;

13 (b) the minor is not presently a ward of the court
14 under Article II of this Act nor is there a petition for
15 adjudication of wardship pending on behalf of the minor;
16 and

17 (c) it is in the minor's best interest that wardship be
18 reinstated.

19 (3) The supplemental petition must be filed in the same
20 proceeding in which the original adjudication order was
21 entered. Unless excused by court for good cause shown, the
22 petitioner shall give notice of the time and place of the
23 hearing on the supplemental petition, in person or by mail, to
24 the minor, if the minor is 14 years of age or older, and to the
25 parties to the juvenile court proceeding. Notice shall be
26 provided at least 3 court days in advance of the hearing date.

1 (4) A minor who is the subject of a petition to reinstate
2 wardship under this Section shall be provided with
3 representation in accordance with Sections 1-5 and 2-17 of this
4 Act.

5 (5) Whenever a minor is committed to the Department of
6 Children and Family Services for care and services following
7 the reinstatement of wardship under this Section, the
8 Department shall:

9 (a) Within 30 days of such commitment, prepare and file
10 with the court a case plan which complies with the federal
11 Adoption Assistance and Child Welfare Act of 1980 and is
12 consistent with the health, safety and best interests of
13 the minor; and

14 (b) Promptly refer the minor for such services as are
15 necessary and consistent with the minor's health, safety
16 and best interests.

17 (Source: P.A. 96-581, eff. 1-1-10.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.