

1 AMENDMENT TO HOUSE BILL 556

2 AMENDMENT NO. _____. Amend House Bill 556 by replacing
3 the title with the following:

4 "AN ACT in relation to minors."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Children and Family Services Act is
8 amended by adding Section 4b as follows:

9 (20 ILCS 505/4b new)

10 Sec. 4b. Youth transitional housing programs. The
11 Department may license youth transitional housing programs to
12 provide services, shelter, or housing to homeless minors who
13 are at least 16 years of age but less than 18 years of age
14 and who are granted partial emancipation under the
15 Emancipation of Minors Act. The Department shall adopt rules
16 governing the licensure of those programs.

17 Section 10. The Emancipation of Mature Minors Act is
18 amended by changing Sections 1, 2, 4, 5, 7, 8, 9, and 10 and
19 by adding Sections 3-2.5 and 3-2.10 as follows:

1 (750 ILCS 30/1) (from Ch. 40, par. 2201)

2 Sec. 1. Short title. This Act ~~shall-be-known-and~~ may be
3 cited as the Emancipation of Mature Minors Act.

4 (Source: P.A. 81-833.)

5 (750 ILCS 30/2) (from Ch. 40, par. 2202)

6 Sec. 2. Purpose and policy. The purpose of this Act is
7 to provide a means by which a mature minor who has
8 demonstrated the ability and capacity to manage his own
9 affairs and to live wholly or partially independent of his
10 parents or guardian, may obtain the legal status of an
11 emancipated person with power to enter into valid legal
12 contracts. This Act is also intended (i) to provide a means
13 by which a homeless minor who is seeking assistance may have
14 the authority to consent, independent of his or her parents
15 or guardian, to receive shelter, housing, and services
16 provided by a licensed agency that has the ability and
17 willingness to serve the homeless minor and (ii) to do so
18 without requiring the delay or difficulty of first holding a
19 hearing.

20 This Act is not intended to interfere with the integrity
21 of the family or the rights of parents and their children.
22 No order of complete or partial emancipation may be entered
23 under this Act if there is any objection by the minor, his
24 parents or guardian. No petition may be filed for the
25 partial emancipation of a homeless minor unless appropriate
26 attempts have been made to reunify the homeless minor with
27 his or her family through the services of a Comprehensive
28 Community Based Youth Services Agency. This Act does not
29 limit or exclude any other means either in statute or case
30 law by which a minor may become emancipated.

31 (Source: P.A. 81-833.)

32 (750 ILCS 30/3-2.5 new)

1 Sec. 3-2.5. Homeless minor. "Homeless minor" means a
2 person at least 16 years of age but less than 18 years of age
3 who lacks a regular, fixed, and adequate place to live and
4 who desires to participate in a youth transitional housing
5 program. The term includes, but is not limited to, a minor
6 who is sharing the dwelling of another or living in a
7 temporary shelter or who is unable or unwilling to return to
8 the residence of a parent. The term does not include a minor
9 in the custody or under the guardianship of the Department of
10 Children and Family Services. No child may be terminated
11 from the custody or guardianship of the Department of
12 Children and Family Services for the purpose of obtaining
13 emancipation as a homeless minor.

14 (750 ILCS 30/3-2.10 new)

15 Sec. 3-2.10. Youth transitional housing program. "Youth
16 transitional housing program" means a program licensed by the
17 Department of Children and Family Services to provide
18 services, shelter, or housing to a minor.

19 (750 ILCS 30/4) (from Ch. 40, par. 2204)

20 Sec. 4. Jurisdiction. The circuit court in the county
21 where the minor resides, is found, owns property, or in which
22 a court action affecting the interests of the minor is
23 pending, may, upon the filing of a petition on behalf of the
24 minor by his next friend, parent or guardian and after any a
25 hearing or ~~on~~ notice to all persons as set forth in Sections
26 7, and 8, and 9 of this Act, enter a finding that the minor
27 is a mature minor or a homeless minor as defined in this Act
28 and order complete or partial emancipation of the minor. The
29 court in its order for partial emancipation may specifically
30 limit the rights and responsibilities of the minor seeking
31 emancipation. In the case of a homeless minor, the court
32 shall restrict the order of emancipation to allowing the

1 minor to consent to the receipt of transitional services and
2 shelter or housing from a specified youth transitional
3 program and its referral agencies only.

4 (Source: P.A. 81-833.)

5 (750 ILCS 30/5) (from Ch. 40, par. 2205)

6 Sec. 5. Rights and responsibilities of an emancipated
7 minor. (a) A mature minor ordered emancipated under this Act
8 shall have the right to enter into valid legal contracts, and
9 shall have such other rights and responsibilities as the
10 court may order that are not inconsistent with the specific
11 age requirements of the State or federal constitution or any
12 State or federal law.

13 (b) A mature minor or homeless minor who is partially
14 emancipated under this Act shall have only those rights and
15 responsibilities specified in the order of the court.

16 (Source: P.A. 81-833.)

17 (750 ILCS 30/7) (from Ch. 40, par. 2207)

18 Sec. 7. Petition. The petition for emancipation shall
19 be verified and shall set forth: (1) the age of the minor;
20 (2) that the minor is a resident of Illinois at the time of
21 the filing of the petition, or owns real estate in Illinois,
22 or has an interest or is a party in any case pending in
23 Illinois; (3) the cause for which the minor seeks to obtain
24 partial or complete emancipation; (4) the names of the
25 minor's parents, and the address, if living; (5) the names
26 and addresses of any guardians or custodians appointed for
27 the minor; (6) that the minor is (i) a mature minor who has
28 demonstrated the ability and capacity to manage his own
29 affairs or (ii) a homeless minor who is located in this
30 State; and (7) that the minor has lived wholly or partially
31 independent of his parents or guardian. If the minor seeks
32 emancipation as a homeless minor, the petition shall also set

1 forth the name of the youth transitional housing program that
2 is willing and able to provide services and shelter or
3 housing to the minor, the address of the program, and the
4 name and phone number of the contact person at the program.
5 The petition shall also briefly assert the reason that the
6 services and shelter or housing to be offered are appropriate
7 and necessary for the well-being of the homeless minor.

8 (Source: P.A. 81-833.)

9 (750 ILCS 30/8) (from Ch. 40, par. 2208)

10 Sec. 8. Notice. All persons named in the petition shall
11 be given written notice within 21 days after the filing of
12 the petition for emancipation. Those persons ~~prior--to--the~~
13 ~~hearing--and~~ shall have a right to be present if a hearing is
14 sought or scheduled and to be represented by counsel.

15 All notices shall be served on persons named in the
16 petition by personal service or by "certified mail, return
17 receipt requested, addressee only". If personal service
18 cannot be made in accordance with the provisions of this Act,
19 substitute service or service by publication shall be made in
20 accordance with the Civil Practice Law.

21 (Source: P.A. 83-1539.)

22 (750 ILCS 30/9) (from Ch. 40, par. 2209)

23 Sec. 9. Hearing on petition.

24 (a) Mature minor. Before proceeding to a hearing on the
25 petition for emancipation of a mature minor the court shall
26 advise all persons present of the nature of the proceedings,
27 and their rights and responsibilities if an order of
28 emancipation should be entered.

29 If, after the hearing, the court determines that the
30 minor is a mature minor who is of sound mind and has the
31 capacity and maturity to manage his own affairs including his
32 finances, and that the best interests of the minor and his

1 family will be promoted by declaring the minor an emancipated
2 minor, the court shall enter a finding that the minor is an
3 emancipated minor within the meaning of this Act, or that the
4 mature minor is partially emancipated with such limitations
5 as the court by order deems appropriate. No order of
6 complete or partial emancipation may be entered under this
7 Act if there is any objection by the minor, his parents or
8 guardian.

9 (b) Homeless minor. Upon the verified petition of a
10 homeless minor, the court shall immediately grant partial
11 emancipation for the sole purpose of allowing the homeless
12 minor to consent to the receipt of services and shelter or
13 housing provided by the youth transitional housing program
14 named in the petition and to other services that the youth
15 transitional housing program may arrange by referral. The
16 court may require that a youth transitional housing program
17 employee appear before the court at the time of the filing of
18 the petition and may inquire into the facts asserted in the
19 petition. No other hearing shall be scheduled in the case of
20 a petition affecting a homeless minor, unless, after notice,
21 a parent or guardian requests such a hearing. If such a
22 hearing is requested, then the homeless minor must be present
23 at the hearing. After the granting of partial emancipation
24 to a homeless youth, if the youth transitional housing
25 program determines that its facility and services are no
26 longer appropriate for the minor or that another program is
27 more appropriate for the minor, the program shall notify the
28 court and the court, after a hearing, may modify its order.

29 (Source: P.A. 81-833.)

30 (750 ILCS 30/10) (from Ch. 40, par. 2210)

31 Sec. 10. Joinder, Juvenile Court Proceedings. The
32 petition for declaration of emancipation may, with leave of
33 the court, be joined with any pending litigation affecting

1 the interests of the minor including a petition filed under
2 the Juvenile Court Act or the Juvenile Court Act of 1987.

3 If any minor seeking emancipation as a mature minor is a
4 ward of the court under the Juvenile Court Act or the
5 Juvenile Court Act of 1987 at the time of the filing of the
6 petition for emancipation, the petition shall be set for
7 hearing in the juvenile court.

8 (Source: P.A. 85-1209.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."