

1 AN ACT concerning children.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 4b as follows:

6 (20 ILCS 505/4b)

7 Sec. 4b. Youth transitional housing programs.

8 (a) The Department may license youth transitional housing
9 programs. For the purposes of this Section, "youth transitional
10 housing program" means a program that provides shelter or
11 housing and services to eligible homeless minors. Services
12 provided by the youth transitional housing program may include
13 a service assessment, individualized case management, and life
14 skills training ~~who are at least 16 years of age but less than~~
15 ~~18 years of age and who are granted partial emancipation under~~
16 ~~the Emancipation of Minors Act.~~ The Department shall adopt
17 rules governing the licensure of those programs.

18 (b) A homeless minor is eligible if:

19 (1) he or she is at least 16 years of age but less than
20 18 years of age;

21 (2) the homeless minor lacks a regular, fixed, and
22 adequate place to live;

23 (3) the homeless minor is living apart from his or her

1 parent or guardian;

2 (4) the homeless minor desires to participate in a
3 licensed youth transitional housing program;

4 (5) a licensed youth transitional housing program is
5 able to provide housing and services;

6 (6) the licensed youth transitional housing program
7 has determined the homeless minor is eligible for the youth
8 transitional housing program; and

9 (7) either the homeless minor's parent has consented to
10 the transitional housing program or the minor has consented
11 after:

12 (A) a comprehensive community based youth service
13 agency has provided crisis intervention services to
14 the homeless minor under Section 3-5 of the Juvenile
15 Court Act of 1987 and the agency was unable to achieve
16 either family reunification or an alternate living
17 arrangement;

18 (B) the Department has not filed a petition
19 alleging that the homeless minor is abused or neglected
20 and the minor does not require placement in a
21 residential facility, as defined by 89 Ill. Adm. Code
22 301.20;

23 (C) the youth transitional housing program or
24 comprehensive community based youth services agency
25 has made reasonable efforts and documented its
26 attempts to notify the homeless minor's parent or

1 guardian of the homeless minor's intent to enter the
2 youth transitional housing program.

3 (d) If an eligible homeless minor voluntarily leaves or is
4 dismissed from a youth transitional housing program prior to
5 reaching the age of majority, the youth transitional housing
6 program agency shall contact the comprehensive community based
7 youth services agency that provided crisis intervention
8 services to the eligible homeless minor under subdivision
9 (b) (7) (A) of this Section to assist in finding an alternative
10 placement for the minor. If the eligible homeless minor leaves
11 the program before beginning services with the comprehensive
12 community based youth service provider, then the youth
13 transitional housing program shall notify the local law
14 enforcement authorities and make reasonable efforts to notify
15 the minor's parent or guardian that the minor has left the
16 program.

17 (e) Nothing in this Section shall be construed to require
18 an eligible homeless minor to acquire the consent of a parent,
19 guardian, or custodian to consent to a youth transitional
20 housing program. An eligible homeless minor is deemed to have
21 the legal capacity to consent to receiving housing and services
22 from a licensed youth transitional housing program.

23 (f) The purpose of this Section is to provide a means by
24 which an eligible homeless minor may have the authority to
25 consent, independent of his or her parents or guardian, to
26 receive housing and services as described in subsection (a) of

1 this Section provided by a licensed youth transitional housing
2 program that has the ability to serve the homeless minor. This
3 Section is not intended to interfere with the integrity of the
4 family or the rights of parents and their children. This
5 Section does not limit or exclude any means by which a minor
6 may become emancipated.

7 (Source: P.A. 93-105, eff. 7-8-03; 93-798, eff. 1-1-05.)

8 Section 10. The Emancipation of Minors Act is amended by
9 changing Sections 2, 4, 5, 7, and 9 as follows:

10 (750 ILCS 30/2) (from Ch. 40, par. 2202)

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

24 This Act is not intended to interfere with the integrity of

1 the family or the rights of parents and their children. No
2 order of complete or partial emancipation may be entered under
3 this Act if there is any objection by the minor, his parents or
4 guardian. ~~No petition may be filed for the partial emancipation~~
5 ~~of a homeless minor unless appropriate attempts have been made~~
6 ~~to reunify the homeless minor with his or her family through~~
7 ~~the services of a Comprehensive Community Based Youth Services~~
8 ~~Agency.~~ This Act does not limit or exclude any other means
9 either in statute or case law by which a minor may become
10 emancipated.

11 (g) Beginning January 1, 2019, and annually thereafter
12 through January 1, 2024, the Department of Human Services shall
13 submit annual reports to the General Assembly regarding
14 homeless minors older than 16 years of age but less than 18
15 years of age referred to a youth transitional housing program
16 for whom parental consent to enter the program is not obtained.
17 The report shall include the following information:

18 (1) the number of homeless minors referred to youth
19 transitional housing programs;

20 (2) the number of homeless minors who were referred but
21 a licensed youth transitional housing program was not able
22 to provide housing and services, and what subsequent steps,
23 if any, were taken to ensure that the homeless minors were
24 referred to an appropriate and available alternative
25 placement;

26 (3) the number of homeless minors who were referred but

1 determined to be ineligible for a youth transitional
2 housing program and the reason why the homeless minors were
3 determined to be ineligible, and what subsequent steps, if
4 any, were taken to ensure that the homeless minors were
5 referred to an appropriate and available alternative
6 placement; and

7 (4) the number of homeless minors who voluntarily left
8 the program and who were dismissed from the program while
9 they were under the age of 18, and what subsequent steps,
10 if any, were taken to ensure that the homeless minors were
11 referred to an appropriate and available alternative
12 placement.

13 (Source: P.A. 93-105, eff. 7-8-03.)

14 (750 ILCS 30/4) (from Ch. 40, par. 2204)

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

1 ~~of a homeless minor, the court shall restrict the order of~~
2 ~~emancipation to allowing the minor to consent to the receipt of~~
3 ~~transitional services and shelter or housing from a specified~~
4 ~~youth transitional program and its referral agencies only.~~

5 (Source: P.A. 93-105, eff. 7-8-03.)

6 (750 ILCS 30/5) (from Ch. 40, par. 2205)

7 Sec. 5. Rights and responsibilities of an emancipated
8 minor.

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

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

18 (Source: P.A. 93-105, eff. 7-8-03.)

19 (750 ILCS 30/7) (from Ch. 40, par. 2207)

20 Sec. 7. Petition. The petition for emancipation shall be
21 verified and shall set forth: (1) the age of the minor; (2)
22 that the minor is a resident of Illinois at the time of the
23 filing of the petition, or owns real estate in Illinois, or has
24 an interest or is a party in any case pending in Illinois; (3)

1 the cause for which the minor seeks to obtain partial or
2 complete emancipation; (4) the names of the minor's parents,
3 and the address, if living; (5) the names and addresses of any
4 guardians or custodians appointed for the minor; (6) that the
5 minor is ~~(i)~~ a mature minor who has demonstrated the ability
6 and capacity to manage his own affairs ~~or (ii) a homeless minor~~
7 ~~who is located in this State;~~ and (7) that the minor has lived
8 wholly or partially independent of his parents or guardian. ~~If~~
9 ~~the minor seeks emancipation as a homeless minor, the petition~~
10 ~~shall also set forth the name of the youth transitional housing~~
11 ~~program that is willing and able to provide services and~~
12 ~~shelter or housing to the minor, the address of the program,~~
13 ~~and the name and phone number of the contact person at the~~
14 ~~program. The petition shall also briefly assert the reason that~~
15 ~~the services and shelter or housing to be offered are~~
16 ~~appropriate and necessary for the well being of the homeless~~
17 ~~minor.~~

18 (Source: P.A. 93-105, eff. 7-8-03.)

19 (750 ILCS 30/9) (from Ch. 40, par. 2209)

20 Sec. 9. Hearing on petition.

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

1 If, after the hearing, the court determines that the minor
2 is a mature minor who is of sound mind and has the capacity and
3 maturity to manage his own affairs including his finances, and
4 that the best interests of the minor and his family will be
5 promoted by declaring the minor an emancipated minor, the court
6 shall enter a finding that the minor is an emancipated minor
7 within the meaning of this Act, or that the mature minor is
8 partially emancipated with such limitations as the court by
9 order deems appropriate. No order of complete or partial
10 emancipation may be entered under this Act if there is any
11 objection by the minor, his parents or guardian.

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

1 ~~homeless youth, if the youth transitional housing program~~
2 ~~determines that its facility and services are no longer~~
3 ~~appropriate for the minor or that another program is more~~
4 ~~appropriate for the minor, the program shall notify the court~~
5 ~~and the court, after a hearing, may modify its order.~~

6 (Source: P.A. 93-105, eff. 7-8-03.)

7 (750 ILCS 30/3-2.5 rep.)

8 (750 ILCS 30/3-2.10 rep.)

9 Section 15. The Emancipation of Minors Act is amended by
10 repealing Sections 3-2.5 and 3-2.10.