



Rep. Sara Feigenholtz

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10000HB5157ham002

LRB100 19550 HEP 38485 a

1 AMENDMENT TO HOUSE BILL 5157

2 AMENDMENT NO. _____. Amend House Bill 5157, AS AMENDED, in
3 Section 5, by replacing subdivision (12) of Sec. 2-10 with the
4 following:

5 "(12) After the court has placed a minor in the care of a
6 temporary custodian pursuant to this Section, any party may
7 file a motion requesting the court to grant the temporary
8 custodian the authority to serve as a surrogate decision maker
9 for the minor under the Health Care Surrogate Act for purposes
10 of making decisions pursuant to paragraph (1) of subsection (b)
11 of Section 20 of the Health Care Surrogate Act. The court may
12 grant the motion if it determines by clear and convincing
13 evidence that it is in the best interests of the minor to grant
14 the temporary custodian such authority. In making its
15 determination, the court shall weigh the following factors in
16 addition to considering the best interests factors listed in
17 subsection (4.05) of Section 1-3 of this Act:

18 (a) the efforts to identify and locate the respondents

1 and adult family members of the minor and the results of
2 those efforts;

3 (b) the efforts to engage the respondents and adult
4 family members of the minor in decision making on behalf of
5 the minor;

6 (c) the length of time the efforts in paragraphs (a)
7 and (b) have been ongoing;

8 (d) the relationship between the respondents and adult
9 family members and the minor;

10 (e) medical testimony regarding the extent to which the
11 minor is suffering and the impact of a delay in
12 decision-making on the minor; and

13 (f) any other factor the court deems relevant.

14 If the Department of Children and Family Services is the
15 temporary custodian of the minor, in addition to the
16 requirements of paragraph (1) of subsection (b) of Section 20
17 of the Health Care Surrogate Act, the Department shall follow
18 its rules and procedures in exercising authority granted under
19 this subsection."