



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB1553

by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-4a

Amends the Juvenile Court Act of 1987. Provides that the court has jurisdiction to make the findings necessary to enable a minor who has been adjudicated a ward of the court to petition the United States Citizenship and Immigration Services for classification as a special immigrant juvenile under federal law. Provides that if a motion requests findings regarding Special Immigrant Juvenile Status and the evidence, which may consist solely of, but is not limited to, a declaration of the minor, supports the findings, the court shall issue an order that includes the following findings: (1) the minor is declared a dependent of the court or the minor is legally committed to, or placed under the custody of, a State agency or department, or an individual or entity appointed by the court; (2) that reunification of the minor with one or both of the minor's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and (3) that it is not in the best interest of the minor to be returned to the minor's or parent's previous country of nationality or last habitual residence. Makes other changes.

LRB101 08127 SLF 53193 b

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 2-4a as follows:

6 (705 ILCS 405/2-4a)

7 Sec. 2-4a. Special immigrant minor.

8 (a) The court has jurisdiction to make the findings  
9 necessary to enable a minor ~~Except as otherwise provided in~~  
10 ~~this Act, a special immigrant minor under 18 years of age who~~  
11 ~~has been adjudicated~~ ~~made~~ a ward of the court to petition the  
12 United States Citizenship and Immigration Services for  
13 classification as a special immigrant juvenile under 8 U.S.C.  
14 1101(a)(27)(J). A minor for whom the court finds under  
15 subsection (b) shall ~~may be deemed eligible by the court for~~  
16 ~~long term foster care due to abuse, neglect, or abandonment and~~  
17 ~~remain under the jurisdiction of the juvenile court until his~~  
18 ~~or her special immigrant juvenile~~ petition is filed with the  
19 United States Citizenship and Immigration Services, or its  
20 successor agency ~~status and adjustment of status applications~~  
21 ~~are adjudicated. The petition filed on behalf of the special~~  
22 ~~immigrant minor must allege that he or she otherwise satisfies~~  
23 ~~the prerequisites for special immigrant juvenile status~~

1 ~~pursuant to 8 U.S.C. Section 1101(a)(27)(J) and must state the~~  
2 ~~eustodial status sought on behalf of the minor.~~

3 (b) If a motion requests findings regarding Special  
4 Immigrant Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and the  
5 evidence, which may consist solely of, but is not limited to, a  
6 declaration of the minor, supports the findings, the court  
7 shall issue an order that includes ~~For the purposes of this~~  
8 ~~Section, a juvenile court may make a finding that a special~~  
9 ~~immigrant minor is eligible for long term foster care if the~~  
10 ~~court makes the following findings:~~

11 (1) (A) the minor is declared a dependent of the court;  
12 or (B) the minor is legally committed to, or placed under  
13 the custody of, a State agency or department, or an  
14 individual or entity appointed by the court; and ~~That a~~  
15 ~~reasonable diligent search for biological parents, prior~~  
16 ~~adoptive parents, or prior legal guardians has been~~  
17 ~~conducted; and~~

18 (2) that reunification of the minor with one or both of  
19 the minor's parents is not viable due to abuse, neglect,  
20 abandonment, or other similar basis; and ~~That~~  
21 ~~reunification with the minor's biological parents or prior~~  
22 ~~adoptive parents is not a viable option.~~

23 (3) that it is not in the best interest of the minor to  
24 be returned to the minor's or parent's previous country of  
25 nationality or last habitual residence.

26 (c) In ~~For the purposes of this Section:~~

1           (1) The term "abandonment" means, but is not limited  
2 to, the failure of a parent or legal guardian to maintain a  
3 reasonable degree of interest, concern, or responsibility  
4 for the welfare of his or her minor child or ward.

5           (2) (Blank). ~~The term "special immigrant minor" means~~  
6 ~~an immigrant minor who (i) is present in the United States~~  
7 ~~and has been made a ward of the court and (ii) for whom it~~  
8 ~~has been determined by the juvenile court or in an~~  
9 ~~administrative or judicial proceeding that it would not be~~  
10 ~~in his or her best interests to be returned to his or her~~  
11 ~~previous country of nationality or country of last habitual~~  
12 ~~residence.~~

13           (d) This Section does not apply to a minor who applies for  
14 special immigrant minor status solely for the purpose of  
15 qualifying for financial assistance for himself or herself or  
16 for his or her parents, guardian, or custodian.

17           (Source: P.A. 93-145, eff. 7-10-03.)