



Rep. Jennifer Gong-Gershowitz

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LRB101 08127 SLF 56792 a

1 AMENDMENT TO HOUSE BILL 1553

2 AMENDMENT NO. _____. Amend House Bill 1553 by replacing
3 everything after the enacting clause with the following:

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~~

1 remain under the jurisdiction of the ~~juvenile~~ court until his
2 or her special immigrant juvenile petition is filed with the
3 United States Citizenship and Immigration Services, or its
4 successor agency ~~status and adjustment of status applications~~
5 ~~are adjudicated. The petition filed on behalf of the special~~
6 ~~immigrant minor must allege that he or she otherwise satisfies~~
7 ~~the prerequisites for special immigrant juvenile status~~
8 ~~pursuant to 8 U.S.C. Section 1101(a)(27)(J) and must state the~~
9 ~~eustodial status sought on behalf of the minor.~~

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

18 (1) (A) the minor is declared a dependent of the court;
19 or (B) the minor is legally committed to, or placed under
20 the custody of, a State agency or department, or an
21 individual or entity appointed by the court; and ~~That a~~
22 ~~reasonable diligent search for biological parents, prior~~
23 ~~adoptive parents, or prior legal guardians has been~~
24 ~~conducted; and~~

25 (2) that reunification of the minor with one or both of
26 the minor's parents is not viable due to abuse, neglect,

1 abandonment, or other similar basis; and ~~That~~
2 ~~reunification with the minor's biological parents or prior~~
3 ~~adoptive parents is not a viable option.~~

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

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

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

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

20 (d) (Blank). ~~This Section does not apply to a minor who~~
21 ~~applies for special immigrant minor status solely for the~~
22 ~~purpose of qualifying for financial assistance for himself or~~
23 ~~herself or for his or her parents, guardian, or custodian.~~

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

25 Section 10. The Illinois Marriage and Dissolution of

1 Marriage Act is amended by adding Section 603.11 as follows:

2 (750 ILCS 5/603.11 new)

3 Sec. 603.11. Special immigrant child findings.

4 (a) For the purpose of making a finding under this Section:

5 "Abuse" has the meaning ascribed to that term in
6 subsection (1) of Section 103 of the Illinois Domestic
7 Violence Act of 1986.

8 "Abandonment" includes, but is not limited to, the
9 failure of a parent to maintain a reasonable degree of
10 interest, concern, or responsibility for the welfare of the
11 child or when one or both of the child's parents are
12 deceased or cannot be reasonably located.

13 "Neglect" includes the meaning ascribed to the term in
14 paragraph (a) of subsection (1) of Section 2-3 of the
15 Juvenile Court Act of 1987 and the failure to perform
16 caretaking functions as defined in subsection (c) of
17 Section 600.

18 (b) A court of this State that is competent to allocate
19 parenting responsibilities has jurisdiction to make the
20 findings necessary to enable a child, who is the subject of a
21 petition to allocate parenting responsibilities, to petition
22 the United States Citizenship and Immigration Services for
23 classification as a Special Immigrant Juvenile under Section
24 1101(a) (27) (J) of Title 8 of the United States Code.

25 (c) If a motion requests findings regarding Special

1 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
2 Title 8 of the United States Code, and the evidence, which may
3 consist solely of, but is not limited to, a declaration by the
4 child, supports the findings, the court shall issue an order,
5 that includes the following findings:

6 (1) (A) the child is declared a dependent of the court;
7 or (B) the child is placed under the custody of an
8 individual or entity appointed by the court; and

9 (2) that reunification of the child with one or both of
10 the child's parents is not viable due to abuse, neglect,
11 abandonment, or other similar basis; and

12 (3) that it is not in the best interest of the child to
13 be returned to the child's or parent's previous country of
14 nationality or last habitual residence.

15 (d) In any proceedings in response to a motion that the
16 court make the findings necessary to support a petition for
17 classification as a Special Immigrant Juvenile, information
18 regarding the immigration status of the child, the child's
19 parent, or the child's guardian that is not otherwise protected
20 by State confidentiality laws shall remain confidential and
21 shall be available for inspection only by the court, the child
22 who is the subject of the proceeding, the parties, the
23 attorneys for the parties, the child's counsel, and the child's
24 parent or guardian.

25 Section 15. The Illinois Parentage Act of 2015 is amended

1 by adding Section 613.5 as follows:

2 (750 ILCS 46/613.5 new)

3 Sec. 613.5. Special immigrant child findings.

4 (a) For the purpose of making a finding under this Section:

5 "Abuse" has the meaning ascribed to that term in
6 subsection (1) of Section 103 of the Illinois Domestic
7 Violence Act of 1986.

8 "Abandonment" includes, but is not limited to, the
9 failure of a parent to maintain a reasonable degree of
10 interest, concern, or responsibility for the welfare of the
11 child or when one or both of the child's parents are
12 deceased or cannot be reasonably located.

13 "Neglect" includes the meaning ascribed to the term in
14 paragraph (a) of subsection (1) of Section 2-3 of the
15 Juvenile Court Act of 1987 and the failure to perform
16 caretaking functions as defined in subsection (c) of
17 Section 600 of the Illinois Marriage and Dissolution of
18 Marriage Act.

19 (b) A court of this State that is competent to adjudicate
20 parentage has jurisdiction to make the findings necessary to
21 enable a child, who is the subject of a proceeding to
22 adjudicate parentage, to petition the United States
23 Citizenship and Immigration Services for classification as a
24 Special Immigrant Juvenile under Section 1101(a)(27)(J) of
25 Title 8 of the United States Code.

1 (c) If a motion requests findings regarding Special
2 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
3 Title 8 of the United States Code, and the evidence, which may
4 consist solely of, but is not limited to, a declaration by the
5 child, supports the findings, the court shall issue an order,
6 that includes the following findings:

7 (1) (A) the child is declared a dependent of the court;
8 or (B) the child is placed under the custody of an
9 individual or entity appointed by the court; and

10 (2) that reunification of the child with one or both of
11 the child's parents is not viable due to abuse, neglect,
12 abandonment, or other similar basis; and

13 (3) that it is not in the best interest of the child to
14 be returned to the child's or parent's previous country of
15 nationality or last habitual residence.

16 (d) In any proceedings in response to a motion that the
17 court make the findings necessary to support a petition for
18 classification as a Special Immigrant Juvenile, information
19 regarding the immigration status of the child, the child's
20 parent, or the child's guardian that is not otherwise protected
21 by State confidentiality laws shall remain confidential and
22 shall be available for inspection only by the court, the child
23 who is the subject of the proceeding, the parties, the
24 attorneys for the parties, the child's counsel, and the child's
25 parent or guardian.

1 Section 20. The Adoption Act is amended by adding Section
2 17.01 as follows:

3 (750 ILCS 50/17.01 new)

4 Sec. 17.01. Special immigrant child findings.

5 (a) For the purpose of making a finding under this Section:

6 "Abuse" has the meaning ascribed to that term in
7 subsection (1) of Section 103 of the Illinois Domestic
8 Violence Act of 1986.

9 "Abandonment" includes, but is not limited to, the
10 failure of a parent to maintain a reasonable degree of
11 interest, concern, or responsibility for the welfare of the
12 child or when one or both of the child's parents are
13 deceased or cannot be reasonably located.

14 "Neglect" includes the meaning ascribed to the term in
15 paragraph (a) of subsection (1) of Section 2-3 of the
16 Juvenile Court Act of 1987 and the failure to perform
17 caretaking functions as defined in subsection (c) of
18 Section 600 of the Illinois Marriage and Dissolution of
19 Marriage Act.

20 (b) A court of this State that is competent to adjudicate
21 adoption petitions has jurisdiction to make the findings
22 necessary to enable a child, who is the subject of a pending
23 adoption petition, to petition the United States Citizenship
24 and Immigration Services for classification as a Special
25 Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of

1 the United States Code.

2 (c) If a motion requests findings regarding Special
3 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
4 Title 8 of the United States Code, and the evidence, which may
5 consist solely of, but is not limited to, a declaration by the
6 child, supports the findings, the court shall issue an order,
7 that includes the following findings:

8 (1) (A) the child is declared a dependent of the court;
9 or (B) the child is legally committed to, or placed under
10 the custody of, a State agency or department or an
11 individual or entity appointed by the court; and

12 (2) that reunification of the child with one or both of
13 the child's parents is not viable due to abuse, neglect,
14 abandonment, or other similar basis; and

15 (3) that it is not in the best interest of the child to
16 be returned to the child's or parent's previous country of
17 nationality or last habitual residence.

18 Section 25. The Illinois Domestic Violence Act of 1986 is
19 amended by adding Section 214.5 as follows:

20 (750 ILCS 60/214.5 new)

21 Sec. 214.5. Special immigrant child findings.

22 (a) For the purpose of making a finding under this Section:

23 "Abuse" has the meaning ascribed to that term in
24 subsection (1) of Section 103 of the Illinois Domestic

1 Violence Act of 1986.

2 "Abandonment" includes, but is not limited to, the
3 failure of a parent to maintain a reasonable degree of
4 interest, concern, or responsibility for the welfare of the
5 child or when one or both of the child's parents are
6 deceased or cannot be reasonably located.

7 "Neglect" includes the meaning ascribed to the term in
8 paragraph (a) of subsection (1) of Section 2-3 of the
9 Juvenile Court Act of 1987 and the failure to perform
10 caretaking functions as defined in subsection (c) of
11 Section 600 of the Illinois Marriage and Dissolution of
12 Marriage Act.

13 (b) A court of this State that is competent to issue an
14 order of protection has jurisdiction to make the findings
15 necessary to enable a child, who is a subject of or a minor
16 child included in a petition for an order of protection, to
17 petition the United States Citizenship and Immigration
18 Services for classification as a Special Immigrant Juvenile
19 under Section 1101(a)(27)(J) of Title 8 of the United States
20 Code.

21 (c) If a motion requests findings regarding Special
22 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
23 Title 8 of the United States Code, and the evidence, which may
24 consist solely of, but is not limited to, a declaration by the
25 child, supports the findings, the court shall issue an order,
26 that includes the following findings:

1 (1) (A) the child is declared a dependent of the court;
2 or (B) the child is legally committed to, or placed under
3 the custody of, a State agency or department or an
4 individual or entity appointed by the court; and

5 (2) that reunification of the child with one or both of
6 the child's parents is not viable due to abuse, neglect,
7 abandonment, or other similar basis; and

8 (3) that it is not in the best interest of the child to
9 be returned to the child's or parent's previous country of
10 nationality or last habitual residence.

11 (d) In any proceedings in response to a motion that the
12 court make the findings necessary to support a petition for
13 classification as a Special Immigrant Juvenile, information
14 regarding the immigration status of the child, the child's
15 parent, or the child's guardian that is not otherwise protected
16 by State confidentiality laws shall remain confidential and
17 shall be available for inspection only by the court, the child
18 who is the subject of the proceeding, the parties, the
19 attorneys for the parties, the child's counsel, and the child's
20 parent or guardian.

21 Section 30. The Probate Act of 1975 is amended by adding
22 Section 11-5.5 as follows:

23 (755 ILCS 5/11-5.5 new)

24 Sec. 11-5.5. Special immigrant minor findings.

1 (a) For the purpose of making a finding under this Section:

2 "Abuse" has the meaning ascribed to that term in
3 subsection (1) of Section 103 of the Illinois Domestic
4 Violence Act of 1986.

5 "Abandonment" includes, but is not limited to, the
6 failure of a parent to maintain a reasonable degree of
7 interest, concern, or responsibility for the welfare of the
8 minor or when one or both of the minor's parents are
9 deceased or cannot be reasonably located.

10 "Neglect" includes the meaning ascribed to the term in
11 paragraph (a) of subsection (1) of Section 2-3 of the
12 Juvenile Court Act of 1987 and the failure to perform
13 caretaking functions as defined in subsection (c) of
14 Section 600 of the Illinois Marriage and Dissolution of
15 Marriage Act.

16 (b) A court of this State that is competent to adjudicate a
17 petition for guardianship has jurisdiction to make the findings
18 necessary to enable a minor, who is the subject of a petition
19 for guardianship, to petition the United States Citizenship and
20 Immigration Services for classification as a Special Immigrant
21 Juvenile under Section 1101(a)(27)(J) of Title 8 of the United
22 States Code.

23 (c) If a motion requests findings regarding Special
24 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
25 Title 8 of the United States Code, and the evidence, which may
26 consist solely of, but is not limited to, a declaration by the

1 minor, supports the findings, the court shall issue an order,
2 that includes the following findings:

3 (1) (A) the minor is declared a dependent of the court;
4 or (B) the minor is legally committed to, or placed under
5 the custody of, a State agency or department or an
6 individual or entity appointed by the court; and

7 (2) that reunification of the minor with one or both of
8 the minor's parents is not viable due to abuse, neglect,
9 abandonment, or other similar basis; and

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

13 (d) In any proceedings in response to a motion that the
14 court make the findings necessary to support a petition for
15 classification as a Special Immigrant Juvenile, information
16 regarding the immigration status of the minor, the minor's
17 parent, or the minor's guardian that is not otherwise protected
18 by State confidentiality laws shall remain confidential and
19 shall be available for inspection only by the court, the minor
20 who is the subject of the proceeding, the parties, the
21 attorneys for the parties, the minor's counsel, and the minor's
22 parent or guardian."