



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0369

Introduced 1/29/2021, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-4.2 new
755 ILCS 5/11-5.6 new
705 ILCS 405/2-4a rep.

Amends the Juvenile Court Act of 1987. Relocates a provision regarding special immigrant minors from the Abused, Neglected, or Dependent Minors Article to the General Provisions Article. Amends the Probate Act of 1975. Provides that a petition for guardianship of the person of a minor who is 18 years of age or older, but who has not yet attained 21 years of age, may be filed by a parent, relative, or nonrelative person over the age of 21. Provides that a court making determinations concerning such a petition shall consider the best interest of the minor. Provides that an appointed guardian shall have responsibility for the custody, nurture, and tuition of the minor, and shall have the right to determine the minor's residence based on the minor's best interest. Provides that a minor who is the subject of a petition for guardianship or for extension of guardianship may be referred for psychological, educational, medical, or social services under certain circumstances. Makes other changes. Effective immediately.

LRB102 02742 LNS 12745 b

1 AN ACT concerning minors.

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 adding Section 1-4.2 as follows:

6 (705 ILCS 405/1-4.2 new)

7 Sec. 1-4.2. Special immigrant minor.

8 (a) The court hearing a case under this Act has
9 jurisdiction to make the findings necessary to enable a minor
10 who has been adjudicated a ward of the court to petition the
11 United States Citizenship and Immigration Services for
12 classification as a special immigrant juvenile under 8 U.S.C.
13 1101(a)(27)(J). A minor for whom the court finds under
14 subsection (b) shall remain under the jurisdiction of the
15 court until his or her special immigrant juvenile petition is
16 filed with the United States Citizenship and Immigration
17 Services, or its successor agency.

18 (b) If a motion requests findings regarding Special
19 Immigrant Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and
20 the evidence, which may consist solely of, but is not limited
21 to, a declaration of the minor, supports the findings, the
22 court shall issue an order that includes the following
23 findings:

1 (1) the minor is:

2 (i) declared a dependent of the court; or

3 (ii) legally committed to, or placed under the
4 custody of, a State agency or department, or an
5 individual or entity appointed by the court;

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

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

12 (c) For purposes of this Section:

13 "Abandonment" means, but is not limited to, the failure of
14 a parent or legal guardian to maintain a reasonable degree of
15 interest, concern, or responsibility for the welfare of his or
16 her minor child or ward. "Abandonment" includes the definition
17 of "dependency" provided in Section 2-4.

18 "Abuse" has the meaning provided in Section 2-3.

19 "Neglect" has the meaning provided in Section 2-3.

20 Section 10. The Probate Act of 1975 is amended by adding
21 Section 11-5.6 as follows:

22 (755 ILCS 5/11-5.6 new)

23 Sec. 11-5.6. Appointment of guardian for person aged 18 to
24 21 years; duties of guardian; additional services.

1 (a) For purposes of this Section, "minor" includes an
2 unmarried person who is less than 21 years old who consents to
3 the appointment of a guardian or the continuation of a
4 guardianship after the age of 18.

5 (b) A court making determinations under this Section shall
6 consider the best interest of the minor, including his or her
7 protection, well-being, care, and custody. The court shall
8 make decisions regarding findings, orders, or referrals to
9 support the health, safety, and welfare of a minor or to remedy
10 the effects on a minor of abuse, neglect, abandonment, or
11 similar circumstances. A court making determinations under
12 this Section shall be acting as a juvenile court.

13 (c) A petition for guardianship of the person of a minor
14 who is 18 years of age or older, but who has not yet attained
15 21 years of age, may be filed by a parent, relative, or
16 nonrelative person over the age of 21.

17 (d) With the consent of the minor, the court shall appoint
18 a guardian of the person for a minor who is 18 years of age or
19 older, but who has not yet attained 21 years of age, in
20 connection with a motion for special findings pursuant to
21 Section 11-5.5.

22 (e) At the request of, or with the consent of, the minor,
23 the court shall extend an existing guardianship of the person
24 for a minor over 18 years of age, for purposes of allowing the
25 minor to request special findings pursuant to Section 11-5.5.

26 (f) A guardian appointed pursuant to this Section shall

1 have responsibility for the custody, nurture, and tuition of
2 the minor, and shall have the right to determine the minor's
3 residence based on the minor's best interest. This Section
4 does not authorize the guardian to abrogate certain rights
5 that a person who has attained 18 years of age may have under
6 State law, including, but not limited to, decisions regarding
7 the minor's medical treatment without the minor's express
8 consent.

9 (g) A minor who is the subject of a petition for
10 guardianship or for extension of guardianship under this
11 Section may be referred for psychological, educational,
12 medical, or social services that may be deemed necessary as a
13 result of parental abuse, abandonment, or neglect, or for
14 protection against trafficking or domestic violence.
15 Participation in any referred services shall be voluntary.

16 (705 ILCS 405/2-4a rep.)

17 Section 15. The Juvenile Court Act of 1987 is amended by
18 repealing Section 2-4a.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.