

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 changing  
21           Section 11-5.5 as follows:

22           (755 ILCS 5/11-5.5)

23           Sec. 11-5.5. Special immigrant minor findings; appointment  
24           of guardian for person aged 18 to 21 years; duties of guardian;

1 additional services.

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

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

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

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

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

25 (c) If a motion requests findings regarding Special  
26 Immigrant Juvenile Status under Section 1101(a)(27)(J) of

1 Title 8 of the United States Code, and the evidence, which may  
2 consist solely of, but is not limited to, a declaration by the  
3 minor, supports the findings, the court shall issue an order,  
4 that includes the following findings:

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

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

12 (3) that it is not in the best interest of the minor to  
13 be returned to the minor'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 minor, the minor's  
19 parent, or the minor's guardian that is not otherwise  
20 protected by State confidentiality laws shall remain  
21 confidential and shall be available for inspection only by the  
22 court, the minor who is the subject of the proceeding, the  
23 parties, the attorneys for the parties, the minor's counsel,  
24 and the minor's parent or guardian.

25 (e) (1) For purposes of this subsection, "minor" includes  
26 an unmarried person who is less than 21 years old who consents

1 to the appointment of a guardian or the continuation of a  
2 guardianship after the age of 18.

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

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

15 (4) With the consent of the minor, the court shall appoint  
16 the petitioner as the guardian of the person for a minor who is  
17 18 years of age or older, but who has not yet attained 21 years  
18 of age, in connection with a motion for special findings under  
19 this Section.

20 (5) At the request of, or with the consent of, the minor,  
21 the court shall extend an existing guardianship of the person  
22 for a minor over 18 years of age, for purposes of allowing the  
23 minor to request special findings under this Section.

24 (6) A guardian appointed pursuant to this subsection shall  
25 have responsibility for the custody, nurture, and tuition of  
26 the minor, and shall have the right to determine the minor's

1 residence based on the minor's best interest. This subsection  
2 does not authorize the guardian to abrogate certain rights  
3 that a person who has attained 18 years of age may have under  
4 State law, including, but not limited to, decisions regarding  
5 the minor's medical treatment without the minor's express  
6 consent.

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

14 (Source: P.A. 101-121, eff. 11-25-19 (see P.A. 101-592 for the  
15 effective date of changes made by P.A. 101-121).)

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.