



Rep. Jennifer Gong-Gershowitz

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10200HB0369ham001

LRB102 02742 LNS 24557 a

1 AMENDMENT TO HOUSE BILL 369

2 AMENDMENT NO. _____. Amend House Bill 369 by replacing
3 line 20 on page 2 through line 15 on page 4 with the following:

4 "Section 10. The Probate Act of 1975 is amended by
5 changing Section 11-5.5 as follows:

6 (755 ILCS 5/11-5.5)

7 Sec. 11-5.5. Special immigrant minor findings; appointment
8 of guardian for person aged 18 to 21 years; duties of guardian;
9 additional services.

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

12 "Abuse" has the meaning ascribed to that term in
13 subsection (1) of Section 103 of the Illinois Domestic
14 Violence Act of 1986.

15 "Abandonment" includes, but is not limited to, the
16 failure of a parent to maintain a reasonable degree of

1 interest, concern, or responsibility for the welfare of
2 the minor or when one or both of the minor's parents are
3 deceased or cannot be reasonably located.

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

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

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

23 (1) (A) the minor is declared a dependent of the court;
24 or (B) the minor is legally committed to, or placed under
25 the custody of, a State agency or department or an
26 individual or entity appointed by the court; and

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

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

17 (e) (1) For purposes of this subsection, "minor" includes
18 an unmarried person who is less than 21 years old who consents
19 to the appointment of a guardian or the continuation of a
20 guardianship after the age of 18.

21 (2) A court making determinations under this subsection
22 shall consider the best interest of the minor, including his
23 or her protection, well-being, care, and custody. The court
24 shall make decisions regarding findings, orders, or referrals
25 to support the health, safety, and welfare of a minor or to
26 remedy the effects on a minor of abuse, neglect, abandonment,

1 or similar circumstances. A court making determinations under
2 this subsection shall be acting as a juvenile court.

3 (3) A petition for guardianship of the person of a minor
4 who is 18 years of age or older, but who has not yet attained
5 21 years of age, may be filed by a parent, relative, or
6 nonrelative person over the age of 21.

7 (4) With the consent of the minor, the court shall appoint
8 the petitioner as the guardian of the person for a minor who is
9 18 years of age or older, but who has not yet attained 21 years
10 of age, in connection with a motion for special findings under
11 this Section.

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

16 (6) A guardian appointed pursuant to this subsection shall
17 have responsibility for the custody, nurture, and tuition of
18 the minor, and shall have the right to determine the minor's
19 residence based on the minor's best interest. This subsection
20 does not authorize the guardian to abrogate certain rights
21 that a person who has attained 18 years of age may have under
22 State law, including, but not limited to, decisions regarding
23 the minor's medical treatment without the minor's express
24 consent.

25 (7) A minor who is the subject of a petition for
26 guardianship or for extension of guardianship under this

1 subsection may be referred for psychological, educational,
2 medical, or social services that may be deemed necessary as a
3 result of parental abuse, abandonment, or neglect, or for
4 protection against trafficking or domestic violence.

5 Participation in any referred services shall be voluntary.

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