

1 AN ACT in relation to minors.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Children and Family Services Act is
5 amended by adding Section 4b as follows:

6 (20 ILCS 505/4b new)

7 Sec. 4b. Youth transitional housing programs. The
8 Department may license youth transitional housing programs to
9 provide services, shelter, or housing to homeless minors who
10 are at least 16 years of age but less than 18 years of age
11 and who are granted partial emancipation under the
12 Emancipation of Minors Act. The Department shall adopt rules
13 governing the licensure of those programs.

14 Section 10. The Emancipation of Mature Minors Act is
15 amended by changing Sections 1, 2, 4, 5, 7, 8, 9, and 10 and
16 by adding Sections 3-2.5 and 3-2.10 as follows:

17 (750 ILCS 30/1) (from Ch. 40, par. 2201)

18 Sec. 1. Short title. This Act ~~shall-be-known-and~~ may be
19 cited as the Emancipation of Mature Minors Act.

20 (Source: P.A. 81-833.)

21 (750 ILCS 30/2) (from Ch. 40, par. 2202)

22 Sec. 2. Purpose and policy. The purpose of this Act is
23 to provide a means by which a mature minor who has
24 demonstrated the ability and capacity to manage his own
25 affairs and to live wholly or partially independent of his
26 parents or guardian, may obtain the legal status of an
27 emancipated person with power to enter into valid legal
28 contracts. This Act is also intended (i) to provide a means

1 by which a homeless minor who is seeking assistance may have
2 the authority to consent, independent of his or her parents
3 or guardian, to receive shelter, housing, and services
4 provided by a licensed agency that has the ability and
5 willingness to serve the homeless minor and (ii) to do so
6 without requiring the delay or difficulty of first holding a
7 hearing.

8 This Act is not intended to interfere with the integrity
9 of the family or the rights of parents and their children.
10 No order of complete or partial emancipation may be entered
11 under this Act if there is any objection by the minor, his
12 parents or guardian. No petition may be filed for the
13 partial emancipation of a homeless minor unless appropriate
14 attempts have been made to reunify the homeless minor with
15 his or her family through the services of a Comprehensive
16 Community Based Youth Services Agency. This Act does not
17 limit or exclude any other means either in statute or case
18 law by which a minor may become emancipated.

19 (Source: P.A. 81-833.)

20 (750 ILCS 30/3-2.5 new)

21 Sec. 3-2.5. Homeless minor. "Homeless minor" means a
22 person at least 16 years of age but less than 18 years of age
23 who lacks a regular, fixed, and adequate place to live and
24 who desires to participate in a youth transitional housing
25 program. The term includes, but is not limited to, a minor
26 who is sharing the dwelling of another or living in a
27 temporary shelter or who is unable or unwilling to return to
28 the residence of a parent. The term does not include a minor
29 in the custody or under the guardianship of the Department of
30 Children and Family Services. No child may be terminated
31 from the custody or guardianship of the Department of
32 Children and Family Services for the purpose of obtaining
33 emancipation as a homeless minor.

1 (750 ILCS 30/3-2.10 new)

2 Sec. 3-2.10. Youth transitional housing program. "Youth
3 transitional housing program" means a program licensed by the
4 Department of Children and Family Services to provide
5 services, shelter, or housing to a minor.

6 (750 ILCS 30/4) (from Ch. 40, par. 2204)

7 Sec. 4. Jurisdiction. The circuit court in the county
8 where the minor resides, is found, owns property, or in which
9 a court action affecting the interests of the minor is
10 pending, may, upon the filing of a petition on behalf of the
11 minor by his next friend, parent or guardian and after any a
12 hearing or ~~on~~ notice to all persons as set forth in Sections
13 7, and 8, and 9 of this Act, enter a finding that the minor
14 is a mature minor or a homeless minor as defined in this Act
15 and order complete or partial emancipation of the minor. The
16 court in its order for partial emancipation may specifically
17 limit the rights and responsibilities of the minor seeking
18 emancipation. In the case of a homeless minor, the court
19 shall restrict the order of emancipation to allowing the
20 minor to consent to the receipt of transitional services and
21 shelter or housing from a specified youth transitional
22 program and its referral agencies only.

23 (Source: P.A. 81-833.)

24 (750 ILCS 30/5) (from Ch. 40, par. 2205)

25 Sec. 5. Rights and responsibilities of an emancipated
26 minor. (a) A mature minor ordered emancipated under this Act
27 shall have the right to enter into valid legal contracts, and
28 shall have such other rights and responsibilities as the
29 court may order that are not inconsistent with the specific
30 age requirements of the State or federal constitution or any
31 State or federal law.

32 (b) A mature minor or homeless minor who is partially

1 emancipated under this Act shall have only those rights and
2 responsibilities specified in the order of the court.

3 (Source: P.A. 81-833.)

4 (750 ILCS 30/7) (from Ch. 40, par. 2207)

5 Sec. 7. Petition. The petition for emancipation shall
6 be verified and shall set forth: (1) the age of the minor;
7 (2) that the minor is a resident of Illinois at the time of
8 the filing of the petition, or owns real estate in Illinois,
9 or has an interest or is a party in any case pending in
10 Illinois; (3) the cause for which the minor seeks to obtain
11 partial or complete emancipation; (4) the names of the
12 minor's parents, and the address, if living; (5) the names
13 and addresses of any guardians or custodians appointed for
14 the minor; (6) that the minor is (i) a mature minor who has
15 demonstrated the ability and capacity to manage his own
16 affairs or (ii) a homeless minor who is located in this
17 State; and (7) that the minor has lived wholly or partially
18 independent of his parents or guardian. If the minor seeks
19 emancipation as a homeless minor, the petition shall also set
20 forth the name of the youth transitional housing program that
21 is willing and able to provide services and shelter or
22 housing to the minor, the address of the program, and the
23 name and phone number of the contact person at the program.
24 The petition shall also briefly assert the reason that the
25 services and shelter or housing to be offered are appropriate
26 and necessary for the well-being of the homeless minor.

27 (Source: P.A. 81-833.)

28 (750 ILCS 30/8) (from Ch. 40, par. 2208)

29 Sec. 8. Notice. All persons named in the petition shall
30 be given written notice within 21 days after the filing of
31 the petition for emancipation. Those persons ~~prior--to--the~~
32 ~~hearing--and~~ shall have a right to be present if a hearing is

1 sought or scheduled and to be represented by counsel.

2 All notices shall be served on persons named in the
3 petition by personal service or by "certified mail, return
4 receipt requested, addressee only". If personal service
5 cannot be made in accordance with the provisions of this Act,
6 substitute service or service by publication shall be made in
7 accordance with the Civil Practice Law.

8 (Source: P.A. 83-1539.)

9 (750 ILCS 30/9) (from Ch. 40, par. 2209)

10 Sec. 9. Hearing on petition.

11 (a) Mature minor. Before proceeding to a hearing on the
12 petition for emancipation of a mature minor the court shall
13 advise all persons present of the nature of the proceedings,
14 and their rights and responsibilities if an order of
15 emancipation should be entered.

16 If, after the hearing, the court determines that the
17 minor is a mature minor who is of sound mind and has the
18 capacity and maturity to manage his own affairs including his
19 finances, and that the best interests of the minor and his
20 family will be promoted by declaring the minor an emancipated
21 minor, the court shall enter a finding that the minor is an
22 emancipated minor within the meaning of this Act, or that the
23 mature minor is partially emancipated with such limitations
24 as the court by order deems appropriate. No order of
25 complete or partial emancipation may be entered under this
26 Act if there is any objection by the minor, his parents or
27 guardian.

28 (b) Homeless minor. Upon the verified petition of a
29 homeless minor, the court shall immediately grant partial
30 emancipation for the sole purpose of allowing the homeless
31 minor to consent to the receipt of services and shelter or
32 housing provided by the youth transitional housing program
33 named in the petition and to other services that the youth

1 transitional housing program may arrange by referral. The
2 court may require that a youth transitional housing program
3 employee appear before the court at the time of the filing of
4 the petition and may inquire into the facts asserted in the
5 petition. No other hearing shall be scheduled in the case of
6 a petition affecting a homeless minor, unless, after notice,
7 a parent or guardian requests such a hearing. If such a
8 hearing is requested, then the homeless minor must be present
9 at the hearing. After the granting of partial emancipation
10 to a homeless youth, if the youth transitional housing
11 program determines that its facility and services are no
12 longer appropriate for the minor or that another program is
13 more appropriate for the minor, the program shall notify the
14 court and the court, after a hearing, may modify its order.

15 (Source: P.A. 81-833.)

16 (750 ILCS 30/10) (from Ch. 40, par. 2210)

17 Sec. 10. Joinder, Juvenile Court Proceedings. The
18 petition for declaration of emancipation may, with leave of
19 the court, be joined with any pending litigation affecting
20 the interests of the minor including a petition filed under
21 the Juvenile Court Act or the Juvenile Court Act of 1987.

22 If any minor seeking emancipation as a mature minor is a
23 ward of the court under the Juvenile Court Act or the
24 Juvenile Court Act of 1987 at the time of the filing of the
25 petition for emancipation, the petition shall be set for
26 hearing in the juvenile court.

27 (Source: P.A. 85-1209.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.