

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.