

1 AN ACT concerning parentage.

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 changing Sections 1-3 and 6-9 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the
8 context otherwise requires, have the following meanings
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine
11 whether the allegations of a petition under Section 2-13, 3-15
12 or 4-12 that a minor under 18 years of age is abused, neglected
13 or dependent, or requires authoritative intervention, or
14 addicted, respectively, are supported by a preponderance of the
15 evidence or whether the allegations of a petition under Section
16 5-520 that a minor is delinquent are proved beyond a reasonable
17 doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care facility
20 legally authorized or licensed by this State for placement or
21 institutional care or for both placement and institutional
22 care.

23 (4) "Association" means any organization, public or

1 private, engaged in welfare functions which include services to
2 or on behalf of children but does not include "agency" as
3 herein defined.

4 (4.05) Whenever a "best interest" determination is
5 required, the following factors shall be considered in the
6 context of the child's age and developmental needs:

7 (a) the physical safety and welfare of the child,
8 including food, shelter, health, and clothing;

9 (b) the development of the child's identity;

10 (c) the child's background and ties, including
11 familial, cultural, and religious;

12 (d) the child's sense of attachments, including:

13 (i) where the child actually feels love,
14 attachment, and a sense of being valued (as opposed to
15 where adults believe the child should feel such love,
16 attachment, and a sense of being valued);

17 (ii) the child's sense of security;

18 (iii) the child's sense of familiarity;

19 (iv) continuity of affection for the child;

20 (v) the least disruptive placement alternative for
21 the child;

22 (e) the child's wishes and long-term goals;

23 (f) the child's community ties, including church,
24 school, and friends;

25 (g) the child's need for permanence which includes the
26 child's need for stability and continuity of relationships

1 with parent figures and with siblings and other relatives;

2 (h) the uniqueness of every family and child;

3 (i) the risks attendant to entering and being in
4 substitute care; and

5 (j) the preferences of the persons available to care
6 for the child.

7 (4.1) "Chronic truant" shall have the definition ascribed
8 to it in Section 26-2a of the School Code.

9 (5) "Court" means the circuit court in a session or
10 division assigned to hear proceedings under this Act.

11 (6) "Dispositional hearing" means a hearing to determine
12 whether a minor should be adjudged to be a ward of the court,
13 and to determine what order of disposition should be made in
14 respect to a minor adjudged to be a ward of the court.

15 (7) "Emancipated minor" means any minor 16 years of age or
16 over who has been completely or partially emancipated under the
17 Emancipation of Minors Act or under this Act.

18 (8) "Guardianship of the person" of a minor means the duty
19 and authority to act in the best interests of the minor,
20 subject to residual parental rights and responsibilities, to
21 make important decisions in matters having a permanent effect
22 on the life and development of the minor and to be concerned
23 with his or her general welfare. It includes but is not
24 necessarily limited to:

25 (a) the authority to consent to marriage, to enlistment
26 in the armed forces of the United States, or to a major

1 medical, psychiatric, and surgical treatment; to represent
2 the minor in legal actions; and to make other decisions of
3 substantial legal significance concerning the minor;

4 (b) the authority and duty of reasonable visitation,
5 except to the extent that these have been limited in the
6 best interests of the minor by court order;

7 (c) the rights and responsibilities of legal custody
8 except where legal custody has been vested in another
9 person or agency; and

10 (d) the power to consent to the adoption of the minor,
11 but only if expressly conferred on the guardian in
12 accordance with Section 2-29, 3-30, or 4-27.

13 (9) "Legal custody" means the relationship created by an
14 order of court in the best interests of the minor which imposes
15 on the custodian the responsibility of physical possession of a
16 minor and the duty to protect, train and discipline him and to
17 provide him with food, shelter, education and ordinary medical
18 care, except as these are limited by residual parental rights
19 and responsibilities and the rights and responsibilities of the
20 guardian of the person, if any.

21 (9.1) "Mentally capable adult relative" means a person 21
22 years of age or older who is not suffering from a mental
23 illness that prevents him or her from providing the care
24 necessary to safeguard the physical safety and welfare of a
25 minor who is left in that person's care by the parent or
26 parents or other person responsible for the minor's welfare.

1 (10) "Minor" means a person under the age of 21 years
2 subject to this Act.

3 (11) "Parent" means the father or mother of a child and
4 includes any adoptive parent. It also includes a man (i) whose
5 paternity is presumed or has been established under the law of
6 this or another jurisdiction or (ii) who has registered with
7 the Putative Father Registry in accordance with Section 12.1 of
8 the Adoption Act and whose paternity has not been ruled out
9 under the law of this or another jurisdiction. It does not
10 include a parent whose rights in respect to the minor have been
11 terminated in any manner provided by law or a person who has
12 been or could be determined to be a parent under the Illinois
13 Parentage Act of 1984, or similar parentage law in any other
14 state, who has been convicted or pled nolo contendere to any
15 crime that resulted in the conception of the child, including,
16 but not limited to, Sections 11-11, 12-13, 12-14, 12-14.1, and
17 12-16 and subsections (a) and (b) (but not subsection (c)) of
18 Section 12-15 of the Criminal Code of 1961 or a similar statute
19 in another jurisdiction.

20 (11.1) "Permanency goal" means a goal set by the court as
21 defined in subdivision (2) of Section 2-28.

22 (11.2) "Permanency hearing" means a hearing to set the
23 permanency goal and to review and determine (i) the
24 appropriateness of the services contained in the plan and
25 whether those services have been provided, (ii) whether
26 reasonable efforts have been made by all the parties to the

1 service plan to achieve the goal, and (iii) whether the plan
2 and goal have been achieved.

3 (12) "Petition" means the petition provided for in Section
4 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
5 thereunder in Section 3-15, 4-12 or 5-520.

6 (12.1) "Physically capable adult relative" means a person
7 21 years of age or older who does not have a severe physical
8 disability or medical condition, or is not suffering from
9 alcoholism or drug addiction, that prevents him or her from
10 providing the care necessary to safeguard the physical safety
11 and welfare of a minor who is left in that person's care by the
12 parent or parents or other person responsible for the minor's
13 welfare.

14 (13) "Residual parental rights and responsibilities" means
15 those rights and responsibilities remaining with the parent
16 after the transfer of legal custody or guardianship of the
17 person, including, but not necessarily limited to, the right to
18 reasonable visitation (which may be limited by the court in the
19 best interests of the minor as provided in subsection (8) (b) of
20 this Section), the right to consent to adoption, the right to
21 determine the minor's religious affiliation, and the
22 responsibility for his support.

23 (14) "Shelter" means the temporary care of a minor in
24 physically unrestricting facilities pending court disposition
25 or execution of court order for placement.

26 (15) "Station adjustment" means the informal handling of an

1 alleged offender by a juvenile police officer.

2 (16) "Ward of the court" means a minor who is so adjudged
3 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
4 requisite jurisdictional facts, and thus is subject to the
5 dispositional powers of the court under this Act.

6 (17) "Juvenile police officer" means a sworn police officer
7 who has completed a Basic Recruit Training Course, has been
8 assigned to the position of juvenile police officer by his or
9 her chief law enforcement officer and has completed the
10 necessary juvenile officers training as prescribed by the
11 Illinois Law Enforcement Training Standards Board, or in the
12 case of a State police officer, juvenile officer training
13 approved by the Director of the Department of State Police.

14 (18) "Secure child care facility" means any child care
15 facility licensed by the Department of Children and Family
16 Services to provide secure living arrangements for children
17 under 18 years of age who are subject to placement in
18 facilities under the Children and Family Services Act and who
19 are not subject to placement in facilities for whom standards
20 are established by the Department of Corrections under Section
21 3-15-2 of the Unified Code of Corrections. "Secure child care
22 facility" also means a facility that is designed and operated
23 to ensure that all entrances and exits from the facility, a
24 building, or a distinct part of the building are under the
25 exclusive control of the staff of the facility, whether or not
26 the child has the freedom of movement within the perimeter of

1 the facility, building, or distinct part of the building.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-168, eff. 8-10-09.)

3 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

4 Sec. 6-9. Enforcement of liability of parents and others.

5 (1) If parentage is at issue in any proceeding under this
6 Act, other than cases involving those exceptions to the
7 definition of parent set out in item (11) in Section 1-3, then

8 the Illinois Parentage Act of 1984 shall apply and the court
9 shall enter orders consistent with that Act. If it appears at
10 any hearing that a parent or any other person named in the
11 petition, liable under the law for the support of the minor, is
12 able to contribute to his or her support, the court shall enter
13 an order requiring that parent or other person to pay the clerk
14 of the court, or to the guardian or custodian appointed under
15 Sections 2-27, 3-28, 4-25 or 5-740, a reasonable sum from time
16 to time for the care, support and necessary special care or
17 treatment, of the minor. If the court determines at any hearing
18 that a parent or any other person named in the petition, liable
19 under the law for the support of the minor, is able to
20 contribute to help defray the costs associated with the minor's
21 detention in a county or regional detention center, the court
22 shall enter an order requiring that parent or other person to
23 pay the clerk of the court a reasonable sum for the care and
24 support of the minor. The court may require reasonable security
25 for the payments. Upon failure to pay, the court may enforce

1 obedience to the order by a proceeding as for contempt of
2 court.

3 If it appears that the person liable for the support of the
4 minor is able to contribute to legal fees for representation of
5 the minor, the court shall enter an order requiring that person
6 to pay a reasonable sum for the representation, to the attorney
7 providing the representation or to the clerk of the court for
8 deposit in the appropriate account or fund. The sum may be paid
9 as the court directs, and the payment thereof secured and
10 enforced as provided in this Section for support.

11 If it appears at the detention or shelter care hearing of a
12 minor before the court under Section 5-501 that a parent or any
13 other person liable for support of the minor is able to
14 contribute to his or her support, that parent or other person
15 shall be required to pay a fee for room and board at a rate not
16 to exceed \$10 per day established, with the concurrence of the
17 chief judge of the judicial circuit, by the county board of the
18 county in which the minor is detained unless the court
19 determines that it is in the best interest and welfare of the
20 minor to waive the fee. The concurrence of the chief judge
21 shall be in the form of an administrative order. Each week, on
22 a day designated by the clerk of the circuit court, that parent
23 or other person shall pay the clerk for the minor's room and
24 board. All fees for room and board collected by the circuit
25 court clerk shall be disbursed into the separate county fund
26 under Section 6-7.

1 Upon application, the court shall waive liability for
2 support or legal fees under this Section if the parent or other
3 person establishes that he or she is indigent and unable to pay
4 the incurred liability, and the court may reduce or waive
5 liability if the parent or other person establishes
6 circumstances showing that full payment of support or legal
7 fees would result in financial hardship to the person or his or
8 her family.

9 (2) When a person so ordered to pay for the care and
10 support of a minor is employed for wages, salary or commission,
11 the court may order him to make the support payments for which
12 he is liable under this Act out of his wages, salary or
13 commission and to assign so much thereof as will pay the
14 support. The court may also order him to make discovery to the
15 court as to his place of employment and the amounts earned by
16 him. Upon his failure to obey the orders of court he may be
17 punished as for contempt of court.

18 (3) If the minor is a recipient of public aid under the
19 Illinois Public Aid Code, the court shall order that payments
20 made by a parent or through assignment of his wages, salary or
21 commission be made directly to (a) the Department of Healthcare
22 and Family Services if the minor is a recipient of aid under
23 Article V of the Code, (b) the Department of Human Services if
24 the minor is a recipient of aid under Article IV of the Code,
25 or (c) the local governmental unit responsible for the support
26 of the minor if he is a recipient under Articles VI or VII of

1 the Code. The order shall permit the Department of Healthcare
2 and Family Services, the Department of Human Services, or the
3 local governmental unit, as the case may be, to direct that
4 subsequent payments be made directly to the guardian or
5 custodian of the minor, or to some other person or agency in
6 the minor's behalf, upon removal of the minor from the public
7 aid rolls; and upon such direction and removal of the minor
8 from the public aid rolls, the Department of Healthcare and
9 Family Services, Department of Human Services, or local
10 governmental unit, as the case requires, shall give written
11 notice of such action to the court. Payments received by the
12 Department of Healthcare and Family Services, Department of
13 Human Services, or local governmental unit are to be covered,
14 respectively, into the General Revenue Fund of the State
15 Treasury or General Assistance Fund of the governmental unit,
16 as provided in Section 10-19 of the Illinois Public Aid Code.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 Section 10. The Illinois Parentage Act of 1984 is amended
19 by changing Section 6.5 as follows:

20 (750 ILCS 45/6.5)

21 Sec. 6.5. Custody or visitation by sex offender prohibited.
22 A person found to be the father of a child under this Act, and
23 who has been convicted of or ~~who has~~ pled guilty or nolo
24 contendre to a violation of Section 11-11 (sexual relations

1 within families), Section 12-13 (criminal sexual assault),
2 Section 12-14 (aggravated criminal sexual assault), Section
3 12-14.1 (predatory criminal sexual assault of a child), Section
4 12-15 (criminal sexual abuse), or Section 12-16 (aggravated
5 criminal sexual abuse) of the Criminal Code of 1961 or a
6 similar statute in Illinois or another jurisdiction for his
7 conduct in fathering that child, shall not be entitled to
8 custody of or visitation with that child without the consent of
9 the mother or guardian, unless the guardian of the child is
10 ~~other than~~ the father of the child, and the father of the child
11 ~~who~~ has been convicted of or pled guilty or nolo contendere to
12 one of the offenses listed in this Section, or, in cases where
13 the mother is a minor, the guardian of the mother of the child,
14 unless the guardian of the mother is the father of the child,
15 and the father of the child has been convicted or pled guilty
16 or nolo contendere to one of the offenses listed in this
17 Section. Notwithstanding any other provision of this Act,
18 nothing in this Section shall be construed to relieve the
19 father of any support and maintenance obligations to the child
20 under this Act.

21 (Source: P.A. 94-928, eff. 6-26-06.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.