

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. It does not include a  
12 person who has been or could be determined to be a parent under  
13 the Illinois Parentage Act of 1984, or similar parentage law in  
14 any other state, if that person has been convicted of or pled  
15 nolo contendere to a crime that resulted in the conception of  
16 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,  
17 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not  
18 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),  
19 (b), (c), (e), or (f) (but not subsection (d)) of Section  
20 11-1.60 or 12-16 of the Criminal Code of 1961 or similar  
21 statute in another jurisdiction unless upon motion of any  
22 party, other than the offender, to the juvenile court  
23 proceedings the court finds it is in the child's best interest  
24 to deem the offender a parent for purposes of the juvenile  
25 court proceedings.

26           (11.1) "Permanency goal" means a goal set by the court as

1 defined in subdivision (2) of Section 2-28.

2 (11.2) "Permanency hearing" means a hearing to set the  
3 permanency goal and to review and determine (i) the  
4 appropriateness of the services contained in the plan and  
5 whether those services have been provided, (ii) whether  
6 reasonable efforts have been made by all the parties to the  
7 service plan to achieve the goal, and (iii) whether the plan  
8 and goal have been achieved.

9 (12) "Petition" means the petition provided for in Section  
10 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
11 thereunder in Section 3-15, 4-12 or 5-520.

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

20 (13) "Residual parental rights and responsibilities" means  
21 those rights and responsibilities remaining with the parent  
22 after the transfer of legal custody or guardianship of the  
23 person, including, but not necessarily limited to, the right to  
24 reasonable visitation (which may be limited by the court in the  
25 best interests of the minor as provided in subsection (8) (b) of  
26 this Section), the right to consent to adoption, the right to

1 determine the minor's religious affiliation, and the  
2 responsibility for his support.

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

6 (15) "Station adjustment" means the informal handling of an  
7 alleged offender by a juvenile police officer.

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

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

20 (18) "Secure child care facility" means any child care  
21 facility licensed by the Department of Children and Family  
22 Services to provide secure living arrangements for children  
23 under 18 years of age who are subject to placement in  
24 facilities under the Children and Family Services Act and who  
25 are not subject to placement in facilities for whom standards  
26 are established by the Department of Corrections under Section

1 3-15-2 of the Unified Code of Corrections. "Secure child care  
2 facility" also means a facility that is designed and operated  
3 to ensure that all entrances and exits from the facility, a  
4 building, or a distinct part of the building are under the  
5 exclusive control of the staff of the facility, whether or not  
6 the child has the freedom of movement within the perimeter of  
7 the facility, building, or distinct part of the building.

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

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

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

11 (1) If parentage is at issue in any proceeding under this  
12 Act, other than cases involving those exceptions to the  
13 definition of parent set out in item (11) in Section 1-3, then  
14 the Illinois Parentage Act of 1984 shall apply and the court  
15 shall enter orders consistent with that Act. If it appears at  
16 any hearing that a parent or any other person named in the  
17 petition, liable under the law for the support of the minor, is  
18 able to contribute to his or her support, the court shall enter  
19 an order requiring that parent or other person to pay the clerk  
20 of the court, or to the guardian or custodian appointed under  
21 Sections 2-27, 3-28, 4-25 or 5-740, a reasonable sum from time  
22 to time for the care, support and necessary special care or  
23 treatment, of the minor. If the court determines at any hearing  
24 that a parent or any other person named in the petition, liable  
25 under the law for the support of the minor, is able to



1 contribute to help defray the costs associated with the minor's  
2 detention in a county or regional detention center, the court  
3 shall enter an order requiring that parent or other person to  
4 pay the clerk of the court a reasonable sum for the care and  
5 support of the minor. The court may require reasonable security  
6 for the payments. Upon failure to pay, the court may enforce  
7 obedience to the order by a proceeding as for contempt of  
8 court.

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

17 If it appears at the detention or shelter care hearing of a  
18 minor before the court under Section 5-501 that a parent or any  
19 other person liable for support of the minor is able to  
20 contribute to his or her support, that parent or other person  
21 shall be required to pay a fee for room and board at a rate not  
22 to exceed \$10 per day established, with the concurrence of the  
23 chief judge of the judicial circuit, by the county board of the  
24 county in which the minor is detained unless the court  
25 determines that it is in the best interest and welfare of the  
26 minor to waive the fee. The concurrence of the chief judge

1 shall be in the form of an administrative order. Each week, on  
2 a day designated by the clerk of the circuit court, that parent  
3 or other person shall pay the clerk for the minor's room and  
4 board. All fees for room and board collected by the circuit  
5 court clerk shall be disbursed into the separate county fund  
6 under Section 6-7.

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

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

24 (3) If the minor is a recipient of public aid under the  
25 Illinois Public Aid Code, the court shall order that payments  
26 made by a parent or through assignment of his wages, salary or

1 commission be made directly to (a) the Department of Healthcare  
2 and Family Services if the minor is a recipient of aid under  
3 Article V of the Code, (b) the Department of Human Services if  
4 the minor is a recipient of aid under Article IV of the Code,  
5 or (c) the local governmental unit responsible for the support  
6 of the minor if he is a recipient under Articles VI or VII of  
7 the Code. The order shall permit the Department of Healthcare  
8 and Family Services, the Department of Human Services, or the  
9 local governmental unit, as the case may be, to direct that  
10 subsequent payments be made directly to the guardian or  
11 custodian of the minor, or to some other person or agency in  
12 the minor's behalf, upon removal of the minor from the public  
13 aid rolls; and upon such direction and removal of the minor  
14 from the public aid rolls, the Department of Healthcare and  
15 Family Services, Department of Human Services, or local  
16 governmental unit, as the case requires, shall give written  
17 notice of such action to the court. Payments received by the  
18 Department of Healthcare and Family Services, Department of  
19 Human Services, or local governmental unit are to be covered,  
20 respectively, into the General Revenue Fund of the State  
21 Treasury or General Assistance Fund of the governmental unit,  
22 as provided in Section 10-19 of the Illinois Public Aid Code.  
23 (Source: P.A. 95-331, eff. 8-21-07.)

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

1 (750 ILCS 45/6.5)

2 (Text of Section before amendment by P.A. 96-1551)

3 Sec. 6.5. Custody or visitation by sex offender prohibited.

4 (a) This Section applies to a person who has been found to  
5 be the father of a child under this Act and who has been  
6 convicted of or who has pled guilty or nolo contendere to a  
7 violation of Section 11-1.20 (criminal sexual assault),  
8 Section 11-1.30 (aggravated criminal sexual assault), Section  
9 11-1.40 (predatory criminal sexual assault of a child), Section  
10 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated  
11 criminal sexual abuse), Section 11-11 (sexual relations within  
12 families), Section 12-13 (criminal sexual assault), Section  
13 12-14 (aggravated criminal sexual assault), Section 12-14.1  
14 (predatory criminal sexual assault of a child), Section 12-15  
15 (criminal sexual abuse), or Section 12-16 (aggravated criminal  
16 sexual abuse) of the Criminal Code of 1961, or a similar  
17 statute in another jurisdiction, for his conduct in fathering  
18 that child.

19 (b) A person described in subsection (a) shall not be  
20 entitled to custody of or visitation with that child without  
21 the consent of the child's mother or guardian. If the person  
22 described in subsection (a) is also the guardian of the child,  
23 he does not have the authority to consent to visitation or  
24 custody under this Section. If the mother of the child is a  
25 minor, and the person described in subsection (a) is also the

1 father or guardian of the mother, then he does not have the  
2 authority to consent to custody or visitation.

3 (c) Notwithstanding any other provision of this Act,  
4 nothing in this Section shall be construed to relieve the  
5 father described in subsection (a) of any support and  
6 maintenance obligations to the child under this Act.

7 ~~A person found to be the father of a child under this Act, and~~  
8 ~~who has been convicted of or who has pled guilty to a violation~~  
9 ~~of Section 11-11 (sexual relations within families), Section~~  
10 ~~12-13 (criminal sexual assault), Section 12-14 (aggravated~~  
11 ~~criminal sexual assault), Section 12-14.1 (predatory criminal~~  
12 ~~sexual assault of a child), Section 12-15 (criminal sexual~~  
13 ~~abuse), or Section 12-16 (aggravated criminal sexual abuse) of~~  
14 ~~the Criminal Code of 1961 for his conduct in fathering that~~  
15 ~~child, shall not be entitled to custody of or visitation with~~  
16 ~~that child without the consent of the mother or guardian, other~~  
17 ~~than the father of the child who has been convicted of or pled~~  
18 ~~guilty to one of the offenses listed in this Section, or, in~~  
19 ~~cases where the mother is a minor, the guardian of the mother~~  
20 ~~of the child. Notwithstanding any other provision of this Act,~~  
21 ~~nothing in this Section shall be construed to relieve the~~  
22 ~~father of any support and maintenance obligations to the child~~  
23 ~~under this Act.~~

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

25 (Text of Section after amendment by P.A. 96-1551)

1           Sec. 6.5. Custody or visitation by sex offender prohibited.

2           (a) This Section applies to a person who has been found to  
3 be the father of a child under this Act and who has been  
4 convicted of or who has pled guilty or nolo contendere to a  
5 violation of Section 11-1.20 (criminal sexual assault),  
6 Section 11-1.30 (aggravated criminal sexual assault), Section  
7 11-1.40 (predatory criminal sexual assault of a child), Section  
8 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated  
9 criminal sexual abuse), Section 11-11 (sexual relations within  
10 families), Section 12-13 (criminal sexual assault), Section  
11 12-14 (aggravated criminal sexual assault), Section 12-14.1  
12 (predatory criminal sexual assault of a child), Section 12-15  
13 (criminal sexual abuse), or Section 12-16 (aggravated criminal  
14 sexual abuse) of the Criminal Code of 1961, or a similar  
15 statute in another jurisdiction, for his conduct in fathering  
16 that child.

17           (b) A person described in subsection (a) shall not be  
18 entitled to custody of or visitation with that child without  
19 the consent of the child's mother or guardian. If the person  
20 described in subsection (a) is also the guardian of the child,  
21 he does not have the authority to consent to visitation or  
22 custody under this Section. If the mother of the child is a  
23 minor, and the person described in subsection (a) is also the  
24 father or guardian of the mother, then he does not have the  
25 authority to consent to custody or visits.

26           (c) Notwithstanding any other provision of this Act,

1 nothing in this Section shall be construed to relieve the  
2 father described in subsection (a) of any support and  
3 maintenance obligations to the child under this Act.

4 ~~A person found to be the father of a child under this Act, and~~  
5 ~~who has been convicted of or who has pled guilty to a violation~~  
6 ~~of Section 11 11 (sexual relations within families), Section~~  
7 ~~11 1.20 or 12 13 (criminal sexual assault), Section 11 1.30 or~~  
8 ~~12 14 (aggravated criminal sexual assault), Section 11 1.40 or~~  
9 ~~12 14.1 (predatory criminal sexual assault of a child), Section~~  
10 ~~11 1.50 or 12 15 (criminal sexual abuse), or Section 11 1.60 or~~  
11 ~~12 16 (aggravated criminal sexual abuse) of the Criminal Code~~  
12 ~~of 1961 for his conduct in fathering that child, shall not be~~  
13 ~~entitled to custody of or visitation with that child without~~  
14 ~~the consent of the mother or guardian, other than the father of~~  
15 ~~the child who has been convicted of or pled guilty to one of~~  
16 ~~the offenses listed in this Section, or, in cases where the~~  
17 ~~mother is a minor, the guardian of the mother of the child.~~  
18 ~~Notwithstanding any other provision of this Act, nothing in~~  
19 ~~this Section shall be construed to relieve the father of any~~  
20 ~~support and maintenance obligations to the child under this~~  
21 ~~Act.~~

22 (Source: P.A. 96-1551, eff. 7-1-11.)

23 Section 95. No acceleration or delay. Where this Act makes  
24 changes in a statute that is represented in this Act by text  
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does  
2 not accelerate or delay the taking effect of (i) the changes  
3 made by this Act or (ii) provisions derived from any other  
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.