

99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5656

by Rep. Norine Hammond

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Children and Family Services Act. Requires the Department of Children and Family Services to make reasonable efforts and accommodations to grant visitation privileges to a non-custodial grandparent or great-grandparent of a child who is in the care and custody of the Department that is separate and apart from any visitation privileges granted to a parent of the child. Provides that the Department shall consider, but shall not be limited to, certain criteria in determining whether to grant visitation, including: (i) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to visitation; (ii) the mental and physical health of the grandparent or great-grandparent; and (iii) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities. Provides that the Department may deny a request for visitation after considering the specified criteria in addition to any other criteria the court deems necessary. Contains provisions concerning the automatic termination of visitation privileges and the Department's establishment of an appeal procedure to review a decision to deny visitation. Amends the Abused, Neglected or Dependent Minors Article of the Juvenile Court Act of 1987. Provides that a court may grant visitation privileges to a non-custodial grandparent or great-grandparent of a child who is in the care and custody of the Department that is separate and apart from any visitation privileges granted to a parent of the child. Provides that the court shall consider certain criteria in determining whether to grant visitation and that the court may deny a request for visitation after considering the specified criteria in addition to any other criteria the court deems necessary.

LRB099 17646 KTG 42004 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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 amended
5 by changing Section 35.8 and by adding Section 35.9 as follows:

6 (20 ILCS 505/35.8)

7 Sec. 35.8. Grandparent and great-grandparent visitation
8 rules; review. Not later than 6 months after the effective date
9 of this amendatory Act of the 99th General Assembly, and every
10 5 years thereafter, the Department shall review the rules on
11 granting visitation privileges to a non-custodial grandparent
12 or great-grandparent of a child who is in the care and custody
13 of the Department.

14 (Source: P.A. 99-341, eff. 8-11-15.)

15 (20 ILCS 505/35.9 new)

16 Sec. 35.9. Visitation privileges; grandparents and
17 great-grandparents.

18 (a) The Department shall make reasonable efforts and
19 accommodations to grant visitation privileges to a
20 non-custodial grandparent or great-grandparent of a child who
21 is in the care and custody of the Department. Any visitation
22 privileges granted under this Section shall be separate and

1 apart from any visitation privileges granted to a parent of the
2 child. The Department shall consider, but shall not be limited
3 to, the following criteria in determining whether to grant
4 visitation:

5 (1) the wishes of the child, taking into account the
6 child's maturity and ability to express reasoned and
7 independent preferences as to visitation;

8 (2) the mental and physical health of the child;

9 (3) the mental and physical health of the grandparent
10 or great-grandparent;

11 (4) the length and quality of the prior relationship
12 between the child and the grandparent or
13 great-grandparent;

14 (5) the quantity of the visitation time requested and
15 the potential adverse impact that visitation would have on
16 the child's customary activities;

17 (6) any other fact that establishes that the loss of
18 the relationship between the child and the grandparent or
19 great-grandparent is likely to unduly harm the child's
20 mental, physical, or emotional health; and

21 (7) whether visitation can be structured in a way to
22 minimize the child's exposure to conflicts between adult
23 family members.

24 (b) Any visitation privileges granted under this Section
25 before the filing of a petition for adoption of the child shall
26 automatically terminate upon the child leaving the care or

1 custody of the Department.

2 (c) The Department may deny a request for visitation after
3 considering the criteria provided under subsection (a) in
4 addition to any other criteria the Department deems necessary.
5 If the Department denies visitation, the Department shall
6 inform the grandparent or great-grandparent of his or her right
7 to appeal the decision to deny visitation in accordance with
8 the appeals procedure established by the Department pursuant to
9 subsection (d).

10 (d) The Department shall adopt any rules necessary to
11 implement this Section, including rules concerning the
12 procedure for appealing a decision to deny visitation
13 privileges for a non-custodial grandparent or
14 great-grandparent.

15 Section 10. The Juvenile Court Act of 1987 is amended by
16 adding Section 2-10.01 as follows:

17 (705 ILCS 405/2-10.01 new)

18 Sec. 2-10.01. Visitation privileges; grandparents and
19 great-grandparents.

20 (a) A court may grant visitation privileges to a
21 non-custodial grandparent or great-grandparent of a child who
22 is in the care and custody of the Department of Children and
23 Family Services. Any visitation privileges granted under this
24 Section shall be separate and apart from any visitation

1 privileges granted to a parent of the child. The court shall
2 consider, but shall not be limited to, the following criteria
3 in determining whether to grant visitation:

4 (1) the wishes of the child, taking into account the
5 child's maturity and ability to express reasoned and
6 independent preferences as to visitation;

7 (2) the mental and physical health of the child;

8 (3) the mental and physical health of the grandparent
9 or great-grandparent;

10 (4) the length and quality of the prior relationship
11 between the child and the grandparent or
12 great-grandparent;

13 (5) the quantity of the visitation time requested and
14 the potential adverse impact that visitation would have on
15 the child's customary activities;

16 (6) any other fact that establishes that the loss of
17 the relationship between the child and the grandparent or
18 great-grandparent is likely to unduly harm the child's
19 mental, physical, or emotional health; and

20 (7) whether visitation can be structured in a way to
21 minimize the child's exposure to conflicts between adult
22 family members.

23 (b) Any visitation privileges granted under this Section
24 before the filing of a petition for adoption of the child shall
25 automatically terminate upon the child leaving the care or
26 custody of the Department of Children and Family Services.

1 (c) The court may deny a request for visitation after
2 considering the criteria provided under subsection (a) in
3 addition to any other criteria the Department deems necessary.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 505/35.8

4 20 ILCS 505/35.9 new

5 705 ILCS 405/2-10.01 new