

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 provide for 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 provided under this Section shall be separate and

1 apart from any visitation privileges provided to a parent of  
2 the child. The Department shall provide visitation privileges  
3 only if doing so is in the child's best interest, taking into  
4 consideration the factors set out in subsection (4.05) of  
5 Section 1-3 of the Juvenile Court Act of 1987 and the following  
6 additional factors:

7 (1) the mental and physical health of the grandparent  
8 or great-grandparent;

9 (2) the quantity of the visitation time requested and  
10 the potential adverse impact that visitation would have on  
11 the child's customary activities;

12 (3) any other fact that establishes that the loss of  
13 the relationship between the child and the grandparent or  
14 great-grandparent is likely to unduly harm the child's  
15 mental, physical, or emotional health; and

16 (4) whether visitation can be structured in a way to  
17 minimize the child's exposure to conflicts between adult  
18 family members.

19 (b) Any visitation privileges provided under this Section  
20 shall automatically terminate upon the child leaving the care  
21 or custody of the Department.

22 (c) The Department may deny a request for visitation after  
23 considering the criteria provided under subsection (a) in  
24 addition to any other criteria the Department deems necessary.  
25 If the Department determines that a grandparent or  
26 great-grandparent is inappropriate to serve as a visitation

1 resource and denies visitation, the Department shall: (i)  
2 document the basis of its determination and maintain the  
3 documentation in the child's case file and (ii) inform the  
4 grandparent or great-grandparent of his or her right to a  
5 clinical review in accordance with Department rules and  
6 procedures. The Department may adopt any rules necessary to  
7 implement this Section.