



Rep. Norine K. Hammond

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09900HB5656ham001

LRB099 17646 KTG 46573 a

1 AMENDMENT TO HOUSE BILL 5656

2 AMENDMENT NO. _____. Amend House Bill 5656 by replacing
3 everything after the enacting clause with the following:

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)

1 Sec. 35.9. Visitation privileges; grandparents and
2 great-grandparents.

3 (a) The Department shall make reasonable efforts and
4 accommodations to provide for visitation privileges to a
5 non-custodial grandparent or great-grandparent of a child who
6 is in the care and custody of the Department. Any visitation
7 privileges provided under this Section shall be separate and
8 apart from any visitation privileges provided to a parent of
9 the child. The Department shall provide visitation privileges
10 only if doing so is in the child's best interest, taking into
11 consideration the factors set out in subsection (4.05) of
12 Section 1-3 of the Juvenile Court Act of 1987 and the following
13 additional factors:

14 (1) the mental and physical health of the grandparent
15 or great-grandparent;

16 (2) the quantity of the visitation time requested and
17 the potential adverse impact that visitation would have on
18 the child's customary activities;

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

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

26 (b) Any visitation privileges provided under this Section

1 shall automatically terminate upon the child leaving the care
2 or custody of the Department.

3 (c) The Department may deny a request for visitation after
4 considering the criteria provided under subsection (a) in
5 addition to any other criteria the Department deems necessary.
6 If the Department determines that a grandparent or
7 great-grandparent is inappropriate to serve as a visitation
8 resource and denies visitation, the Department shall: (i)
9 document the basis of its determination and maintain the
10 documentation in the child's case file and (ii) inform the
11 grandparent or great-grandparent of his or her right to a
12 clinical review in accordance with Department rules and
13 procedures. The Department may adopt any rules necessary to
14 implement this Section."