

1 AN ACT in relation to minors.

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
5 amended by adding Section 4b as follows:

6 (20 ILCS 505/4b new)

7 Sec. 4b. Youth transitional housing programs. The
8 Department may license youth transitional housing programs to
9 provide services, shelter, or housing to homeless minors who
10 are at least 16 years of age but less than 18 years of age
11 and who are granted partial emancipation under the
12 Emancipation of Minors Act. The Department shall adopt rules
13 governing the licensure of those programs.

14 Section 5. The Emancipation of Mature Minors Act is
15 amended by changing Sections 1, 2, 4, 5, 7, 8, 9, and 10 and
16 by adding Sections 3-2.5 and 3-2.10 as follows:

17 (750 ILCS 30/1) (from Ch. 40, par. 2201)

18 Sec. 1. Short title. This Act ~~shall-be-known-and~~ may be
19 cited as the Emancipation of Mature Minors Act.

20 (Source: P.A. 81-833.)

21 (750 ILCS 30/2) (from Ch. 40, par. 2202)

22 Sec. 2. Purpose and policy. The purpose of this Act is
23 to provide a means by which a mature minor who has
24 demonstrated the ability and capacity to manage his own
25 affairs and to live wholly or partially independent of his
26 parents or guardian, may obtain the legal status of an
27 emancipated person with power to enter into valid legal
28 contracts. This Act is also intended (i) to provide a means

1 by which a homeless minor who is seeking assistance may have
2 the authority to consent, independent of his or her parents
3 or guardian, to receive shelter, housing, and services
4 provided by a licensed agency that has the ability and
5 willingness to serve the homeless minor and (ii) to do so
6 without requiring the delay or difficulty of first holding a
7 hearing.

8 This Act is not intended to interfere with the integrity
9 of the family or the rights of parents and their children.
10 No order of complete or partial emancipation may be entered
11 under this Act if there is any objection by the minor, his
12 parents or guardian. This Act does not limit or exclude any
13 other means either in statute or case law by which a minor
14 may become emancipated.

15 (Source: P.A. 81-833.)

16 (750 ILCS 30/3-2.5 new)

17 Sec. 3-2.5. Homeless minor. "Homeless minor" means a
18 person at least 16 years of age but less than 18 years of age
19 who lacks a regular, fixed, and adequate place to live and
20 who desires to participate in a youth transitional housing
21 program. The term includes, but is not limited to, a minor
22 who is sharing the dwelling of another or living in a
23 temporary shelter or who is unable or unwilling to return to
24 the residence of a parent. The term does not include a minor
25 in the custody or under the guardianship of the Department of
26 Children and Family Services. No child may be terminated
27 from the custody or guardianship of the Department of
28 Children and Family Services for the purpose of obtaining
29 emancipation as a homeless minor.

30 (750 ILCS 30/3-2.10 new)

31 Sec. 3-2.10. Youth transitional housing program. "Youth
32 transitional housing program" means a program licensed by the

1 Department of Children and Family Services to provide
2 services, shelter, or housing to a minor.

3 (750 ILCS 30/4) (from Ch. 40, par. 2204)

4 Sec. 4. Jurisdiction. The circuit court in the county
5 where the minor resides, is found, owns property, or in which
6 a court action affecting the interests of the minor is
7 pending, may, upon the filing of a petition on behalf of the
8 minor by his next friend, parent or guardian and after any a
9 hearing or on notice to all persons as set forth in Sections
10 7, and 8, and 9 of this Act, enter a finding that the minor
11 is a mature minor or a homeless minor as defined in this Act
12 and order complete or partial emancipation of the minor. The
13 court in its order for partial emancipation may specifically
14 limit the rights and responsibilities of the minor seeking
15 emancipation. In the case of a homeless minor, the court
16 shall restrict the order of emancipation to allowing the
17 minor to consent to the receipt of transitional services and
18 shelter or housing from a specified youth transitional
19 program and its referral agencies only.

20 (Source: P.A. 81-833.)

21 (750 ILCS 30/5) (from Ch. 40, par. 2205)

22 Sec. 5. Rights and responsibilities of an emancipated
23 minor. (a) A mature minor ordered emancipated under this Act
24 shall have the right to enter into valid legal contracts, and
25 shall have such other rights and responsibilities as the
26 court may order that are not inconsistent with the specific
27 age requirements of the State or federal constitution or any
28 State or federal law.

29 (b) A mature minor or homeless minor who is partially
30 emancipated under this Act shall have only those rights and
31 responsibilities specified in the order of the court.

32 (Source: P.A. 81-833.)

1 (750 ILCS 30/7) (from Ch. 40, par. 2207)

2 Sec. 7. Petition. The petition for emancipation shall
3 be verified and shall set forth: (1) the age of the minor;
4 (2) that the minor is a resident of Illinois at the time of
5 the filing of the petition, or owns real estate in Illinois,
6 or has an interest or is a party in any case pending in
7 Illinois; (3) the cause for which the minor seeks to obtain
8 partial or complete emancipation; (4) the names of the
9 minor's parents, and the address, if living; (5) the names
10 and addresses of any guardians or custodians appointed for
11 the minor; (6) that the minor is (i) a mature minor who has
12 demonstrated the ability and capacity to manage his own
13 affairs or (ii) a homeless minor who is located in this
14 State; and (7) that the minor has lived wholly or partially
15 independent of his parents or guardian. If the minor seeks
16 emancipation as a homeless minor, the petition shall also set
17 forth the name of the youth transitional housing program that
18 is willing and able to provide services and shelter or
19 housing to the minor, the address of the program, and the
20 name and phone number of the contact person at the program.
21 The petition shall also briefly assert the reason that the
22 services and shelter or housing to be offered are appropriate
23 and necessary for the well-being of the homeless minor.

24 (Source: P.A. 81-833.)

25 (750 ILCS 30/8) (from Ch. 40, par. 2208)

26 Sec. 8. Notice. All persons named in the petition shall
27 be given written notice within 21 days after the filing of
28 the petition for emancipation. Those persons prior-to-the
29 hearing-and shall have a right to be present if a hearing is
30 sought or scheduled and to be represented by counsel.

31 All notices shall be served on persons named in the
32 petition by personal service or by "certified mail, return
33 receipt requested, addressee only". If personal service

1 cannot be made in accordance with the provisions of this Act,
2 substitute service or service by publication shall be made in
3 accordance with the Civil Practice Law.

4 (Source: P.A. 83-1539.)

5 (750 ILCS 30/9) (from Ch. 40, par. 2209)

6 Sec. 9. Hearing on petition.

7 (a) Mature minor. Before proceeding to a hearing on the
8 petition for emancipation of a mature minor the court shall
9 advise all persons present of the nature of the proceedings,
10 and their rights and responsibilities if an order of
11 emancipation should be entered.

12 If, after the hearing, the court determines that the
13 minor is a mature minor who is of sound mind and has the
14 capacity and maturity to manage his own affairs including his
15 finances, and that the best interests of the minor and his
16 family will be promoted by declaring the minor an emancipated
17 minor, the court shall enter a finding that the minor is an
18 emancipated minor within the meaning of this Act, or that the
19 mature minor is partially emancipated with such limitations
20 as the court by order deems appropriate. No order of
21 complete or partial emancipation may be entered under this
22 Act if there is any objection by the minor, his parents or
23 guardian.

24 (b) Homeless minor. Upon the verified petition of a
25 homeless minor, the court shall immediately grant partial
26 emancipation for the sole purpose of allowing the homeless
27 minor to consent to the receipt of services and shelter or
28 housing provided by the youth transitional housing program
29 named in the petition and to other services that the youth
30 transitional housing program may arrange by referral. The
31 court may require that a youth transitional housing program
32 employee appear before the court at the time of the filing of
33 the petition and may inquire into the facts asserted in the

1 petition. No other hearing shall be scheduled in the case of
2 a petition affecting a homeless minor, unless, after notice,
3 a parent or guardian requests such a hearing. After the
4 granting of partial emancipation to a homeless youth, if the
5 youth transitional housing program determines that its
6 facility and services are no longer appropriate for the minor
7 or that another program is more appropriate for the minor,
8 the program shall notify the court and the court, after a
9 hearing, may modify its order.

10 (Source: P.A. 81-833.)

11 (750 ILCS 30/10) (from Ch. 40, par. 2210)

12 Sec. 10. Joinder, Juvenile Court Proceedings. The
13 petition for declaration of emancipation may, with leave of
14 the court, be joined with any pending litigation affecting
15 the interests of the minor including a petition filed under
16 the Juvenile Court Act or the Juvenile Court Act of 1987.

17 If any minor seeking emancipation as a mature minor is a
18 ward of the court under the Juvenile Court Act or the
19 Juvenile Court Act of 1987 at the time of the filing of the
20 petition for emancipation, the petition shall be set for
21 hearing in the juvenile court.

22 (Source: P.A. 85-1209.)

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