

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 10. The Child Care Act of 1969 is amended by  
15 adding Section 2.24 as follows:

16 (225 ILCS 10/2.24 new)

17 Sec. 2.24. "Youth transitional housing facility" means a  
18 child care facility licensed by the Department, in accordance  
19 with the requirements of this Act and applicable rules of the  
20 Department, to provide housing and services to homeless  
21 minors who are at least 16 years of age but less than 18  
22 years of age and who have been partially emancipated under  
23 the Emancipation of Minors Act.

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

27 (750 ILCS 30/1) (from Ch. 40, par. 2201)

1           Sec. 1. Short title. This Act ~~shall be known and~~ may be  
2 cited as the Emancipation of Mature Minors Act.  
3 (Source: P.A. 81-833.)

4           (750 ILCS 30/2) (from Ch. 40, par. 2202)

5           Sec. 2. Purpose and policy. The purpose of this Act is  
6 to provide a means by which a mature minor who has  
7 demonstrated the ability and capacity to manage his own  
8 affairs and to live wholly or partially independent of his  
9 parents or guardian, may obtain the legal status of an  
10 emancipated person with power to enter into valid legal  
11 contracts. This Act is also intended (i) to provide a means  
12 by which a homeless minor who is seeking assistance may have  
13 the authority to consent, independent of his or her parents  
14 or guardian, to receive shelter, housing, and services  
15 provided by a licensed agency that has the ability and  
16 willingness to serve the homeless minor and (ii) to do so  
17 without requiring the delay or difficulty of first holding a  
18 hearing.

19           This Act is not intended to interfere with the integrity  
20 of the family or the rights of parents and their children.  
21 No order of complete or partial emancipation may be entered  
22 under this Act if there is any objection by the minor, his  
23 parents or guardian. This Act does not limit or exclude any  
24 other means either in statute or case law by which a minor  
25 may become emancipated.  
26 (Source: P.A. 81-833.)

27           (750 ILCS 30/3-2.5 new)

28           Sec. 3-2.5. Homeless minor. "Homeless minor" means a  
29 person at least 16 years of age but less than 18 years of age  
30 who lacks a regular, fixed, and adequate place to live and  
31 who desires to participate in a youth transitional housing  
32 program. The term does not include a minor in the custody or

1 under the guardianship of the Department of Children and  
 2 Family Services. An order granting custody or guardianship  
 3 of a child to the Department of Children and Family Services  
 4 may not be terminated or modified for the purpose of  
 5 obtaining emancipation of the child as a homeless minor.

6 (750 ILCS 30/3-2.10 new)

7 Sec. 3-2.10. Youth transitional housing program. "Youth  
 8 transitional housing program" means a program licensed by the  
 9 Department of Children and Family Services to provide  
 10 services, shelter, or housing to a minor.

11 (750 ILCS 30/4) (from Ch. 40, par. 2204)

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

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

29 (750 ILCS 30/5) (from Ch. 40, par. 2205)

30 Sec. 5. Rights and responsibilities of an emancipated  
 31 minor. (a) A mature minor ordered emancipated under this Act

1 shall have the right to enter into valid legal contracts, and  
2 shall have such other rights and responsibilities as the  
3 court may order that are not inconsistent with the specific  
4 age requirements of the State or federal constitution or any  
5 State or federal law.

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

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

10 (750 ILCS 30/7) (from Ch. 40, par. 2207)

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

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

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

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

All notices shall be served on persons named in the petition by personal service or by "certified mail, return receipt requested, addressee only". If personal service cannot be made in accordance with the provisions of this Act, substitute service or service by publication shall be made in accordance with the Civil Practice Law.

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

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

Sec. 9. Hearing on petition.

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

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

(b) Homeless minor. Upon the verified petition of a

1 homeless minor, the court shall immediately grant partial  
2 emancipation for the sole purpose of allowing the homeless  
3 minor to consent to the receipt of services and shelter or  
4 housing provided by the youth transitional housing program  
5 named in the petition and to other services that the youth  
6 transitional housing program may arrange by referral. The  
7 court may require that a youth transitional housing program  
8 employee appear before the court at the time of the filing of  
9 the petition and may inquire into the facts asserted in the  
10 petition. No other hearing shall be scheduled in the case of  
11 a petition affecting a homeless minor, unless, after notice,  
12 a parent or guardian requests such a hearing. After the  
13 granting of partial emancipation to a homeless youth, if the  
14 youth transitional housing program determines that its  
15 facility and services are no longer appropriate for the minor  
16 or that another program is more appropriate for the minor,  
17 the program shall notify the court and the court, after a  
18 hearing, may modify its order.

19 (c) No order of complete or partial emancipation may be  
20 entered under this Act if there is any objection by the minor  
21 or by the minor's parents or guardian.

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

23 (750 ILCS 30/10) (from Ch. 40, par. 2210)

24 Sec. 10. Joinder, Juvenile Court Proceedings. The  
25 petition for declaration of emancipation may, with leave of  
26 the court, be joined with any pending litigation affecting  
27 the interests of the minor including a petition filed under  
28 the Juvenile Court Act or the Juvenile Court Act of 1987.

29 If any minor seeking emancipation as a mature minor is a  
30 ward of the court under the Juvenile Court Act or the  
31 Juvenile Court Act of 1987 at the time of the filing of the  
32 petition for emancipation, the petition shall be set for  
33 hearing in the juvenile court.

1        Nothing in this Act relieves any State or local agency of  
2        any obligation imposed by law to provide services or  
3        assistance to any eligible child or youth.

4        (Source: P.A. 85-1209.)

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