



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 3005

2 AMENDMENT NO. _____. Amend House Bill 3005, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Sections 1-3 and 6-9 as follows:

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

8 Sec. 1-3. Definitions. Terms used in this Act, unless the
9 context otherwise requires, have the following meanings
10 ascribed to them:

11 (1) "Adjudicatory hearing" means a hearing to determine
12 whether the allegations of a petition under Section 2-13, 3-15
13 or 4-12 that a minor under 18 years of age is abused, neglected
14 or dependent, or requires authoritative intervention, or
15 addicted, respectively, are supported by a preponderance of the
16 evidence or whether the allegations of a petition under Section

1 5-520 that a minor is delinquent are proved beyond a reasonable
2 doubt.

3 (2) "Adult" means a person 21 years of age or older.

4 (3) "Agency" means a public or private child care facility
5 legally authorized or licensed by this State for placement or
6 institutional care or for both placement and institutional
7 care.

8 (4) "Association" means any organization, public or
9 private, engaged in welfare functions which include services to
10 or on behalf of children but does not include "agency" as
11 herein defined.

12 (4.05) Whenever a "best interest" determination is
13 required, the following factors shall be considered in the
14 context of the child's age and developmental needs:

15 (a) the physical safety and welfare of the child,
16 including food, shelter, health, and clothing;

17 (b) the development of the child's identity;

18 (c) the child's background and ties, including
19 familial, cultural, and religious;

20 (d) the child's sense of attachments, including:

21 (i) where the child actually feels love,
22 attachment, and a sense of being valued (as opposed to
23 where adults believe the child should feel such love,
24 attachment, and a sense of being valued);

25 (ii) the child's sense of security;

26 (iii) the child's sense of familiarity;

- 1 (iv) continuity of affection for the child;
- 2 (v) the least disruptive placement alternative for
3 the child;
- 4 (e) the child's wishes and long-term goals;
- 5 (f) the child's community ties, including church,
6 school, and friends;
- 7 (g) the child's need for permanence which includes the
8 child's need for stability and continuity of relationships
9 with parent figures and with siblings and other relatives;
- 10 (h) the uniqueness of every family and child;
- 11 (i) the risks attendant to entering and being in
12 substitute care; and
- 13 (j) the preferences of the persons available to care
14 for the child.
- 15 (4.1) "Chronic truant" shall have the definition ascribed
16 to it in Section 26-2a of the School Code.
- 17 (5) "Court" means the circuit court in a session or
18 division assigned to hear proceedings under this Act.
- 19 (6) "Dispositional hearing" means a hearing to determine
20 whether a minor should be adjudged to be a ward of the court,
21 and to determine what order of disposition should be made in
22 respect to a minor adjudged to be a ward of the court.
- 23 (7) "Emancipated minor" means any minor 16 years of age or
24 over who has been completely or partially emancipated under the
25 Emancipation of Minors Act or under this Act.
- 26 (8) "Guardianship of the person" of a minor means the duty

1 and authority to act in the best interests of the minor,
2 subject to residual parental rights and responsibilities, to
3 make important decisions in matters having a permanent effect
4 on the life and development of the minor and to be concerned
5 with his or her general welfare. It includes but is not
6 necessarily limited to:

7 (a) the authority to consent to marriage, to enlistment
8 in the armed forces of the United States, or to a major
9 medical, psychiatric, and surgical treatment; to represent
10 the minor in legal actions; and to make other decisions of
11 substantial legal significance concerning the minor;

12 (b) the authority and duty of reasonable visitation,
13 except to the extent that these have been limited in the
14 best interests of the minor by court order;

15 (c) the rights and responsibilities of legal custody
16 except where legal custody has been vested in another
17 person or agency; and

18 (d) the power to consent to the adoption of the minor,
19 but only if expressly conferred on the guardian in
20 accordance with Section 2-29, 3-30, or 4-27.

21 (9) "Legal custody" means the relationship created by an
22 order of court in the best interests of the minor which imposes
23 on the custodian the responsibility of physical possession of a
24 minor and the duty to protect, train and discipline him and to
25 provide him with food, shelter, education and ordinary medical
26 care, except as these are limited by residual parental rights

1 and responsibilities and the rights and responsibilities of the
2 guardian of the person, if any.

3 (9.1) "Mentally capable adult relative" means a person 21
4 years of age or older who is not suffering from a mental
5 illness that prevents him or her from providing the care
6 necessary to safeguard the physical safety and welfare of a
7 minor who is left in that person's care by the parent or
8 parents or other person responsible for the minor's welfare.

9 (10) "Minor" means a person under the age of 21 years
10 subject to this Act.

11 (11) "Parent" means the father or mother of a child and
12 includes any adoptive parent. It also includes a man (i) whose
13 paternity is presumed or has been established under the law of
14 this or another jurisdiction or (ii) who has registered with
15 the Putative Father Registry in accordance with Section 12.1 of
16 the Adoption Act and whose paternity has not been ruled out
17 under the law of this or another jurisdiction. It does not
18 include a parent whose rights in respect to the minor have been
19 terminated in any manner provided by law or a person who has
20 been or could be determined to be a parent under the Illinois
21 Parentage Act of 1984, or similar parentage law in any other
22 state, who has been convicted or pled nolo contendere to any
23 crime that resulted in the conception of the child, including,
24 but not limited to, Sections 11-11, 12-13, 12-14, 12-14.1, and
25 12-16 and subsections (a) and (b) (but not subsection (c)) of
26 Section 12-15 of the Criminal Code of 1961 or a similar statute

1 in another jurisdiction.

2 (11.1) "Permanency goal" means a goal set by the court as
3 defined in subdivision (2) of Section 2-28.

4 (11.2) "Permanency hearing" means a hearing to set the
5 permanency goal and to review and determine (i) the
6 appropriateness of the services contained in the plan and
7 whether those services have been provided, (ii) whether
8 reasonable efforts have been made by all the parties to the
9 service plan to achieve the goal, and (iii) whether the plan
10 and goal have been achieved.

11 (12) "Petition" means the petition provided for in Section
12 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
13 thereunder in Section 3-15, 4-12 or 5-520.

14 (12.1) "Physically capable adult relative" means a person
15 21 years of age or older who does not have a severe physical
16 disability or medical condition, or is not suffering from
17 alcoholism or drug addiction, that prevents him or her from
18 providing the care necessary to safeguard the physical safety
19 and welfare of a minor who is left in that person's care by the
20 parent or parents or other person responsible for the minor's
21 welfare.

22 (13) "Residual parental rights and responsibilities" means
23 those rights and responsibilities remaining with the parent
24 after the transfer of legal custody or guardianship of the
25 person, including, but not necessarily limited to, the right to
26 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of
2 this Section), the right to consent to adoption, the right to
3 determine the minor's religious affiliation, and the
4 responsibility for his support.

5 (14) "Shelter" means the temporary care of a minor in
6 physically unrestricting facilities pending court disposition
7 or execution of court order for placement.

8 (15) "Station adjustment" means the informal handling of an
9 alleged offender by a juvenile police officer.

10 (16) "Ward of the court" means a minor who is so adjudged
11 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
12 requisite jurisdictional facts, and thus is subject to the
13 dispositional powers of the court under this Act.

14 (17) "Juvenile police officer" means a sworn police officer
15 who has completed a Basic Recruit Training Course, has been
16 assigned to the position of juvenile police officer by his or
17 her chief law enforcement officer and has completed the
18 necessary juvenile officers training as prescribed by the
19 Illinois Law Enforcement Training Standards Board, or in the
20 case of a State police officer, juvenile officer training
21 approved by the Director of the Department of State Police.

22 (18) "Secure child care facility" means any child care
23 facility licensed by the Department of Children and Family
24 Services to provide secure living arrangements for children
25 under 18 years of age who are subject to placement in
26 facilities under the Children and Family Services Act and who

1 are not subject to placement in facilities for whom standards
2 are established by the Department of Corrections under Section
3 3-15-2 of the Unified Code of Corrections. "Secure child care
4 facility" also means a facility that is designed and operated
5 to ensure that all entrances and exits from the facility, a
6 building, or a distinct part of the building are under the
7 exclusive control of the staff of the facility, whether or not
8 the child has the freedom of movement within the perimeter of
9 the facility, building, or distinct part of the building.

10 (Source: P.A. 95-331, eff. 8-21-07; 96-168, eff. 8-10-09.)

11 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

12 Sec. 6-9. Enforcement of liability of parents and others.

13 (1) If parentage is at issue in any proceeding under this
14 Act, other than cases involving those exceptions to the
15 definition of parent set out in item (11) in Section 1-3, then
16 the Illinois Parentage Act of 1984 shall apply and the court
17 shall enter orders consistent with that Act. If it appears at
18 any hearing that a parent or any other person named in the
19 petition, liable under the law for the support of the minor, is
20 able to contribute to his or her support, the court shall enter
21 an order requiring that parent or other person to pay the clerk
22 of the court, or to the guardian or custodian appointed under
23 Sections 2-27, 3-28, 4-25 or 5-740, a reasonable sum from time
24 to time for the care, support and necessary special care or
25 treatment, of the minor. If the court determines at any hearing

1 that a parent or any other person named in the petition, liable
2 under the law for the support of the minor, is able to
3 contribute to help defray the costs associated with the minor's
4 detention in a county or regional detention center, the court
5 shall enter an order requiring that parent or other person to
6 pay the clerk of the court a reasonable sum for the care and
7 support of the minor. The court may require reasonable security
8 for the payments. Upon failure to pay, the court may enforce
9 obedience to the order by a proceeding as for contempt of
10 court.

11 If it appears that the person liable for the support of the
12 minor is able to contribute to legal fees for representation of
13 the minor, the court shall enter an order requiring that person
14 to pay a reasonable sum for the representation, to the attorney
15 providing the representation or to the clerk of the court for
16 deposit in the appropriate account or fund. The sum may be paid
17 as the court directs, and the payment thereof secured and
18 enforced as provided in this Section for support.

19 If it appears at the detention or shelter care hearing of a
20 minor before the court under Section 5-501 that a parent or any
21 other person liable for support of the minor is able to
22 contribute to his or her support, that parent or other person
23 shall be required to pay a fee for room and board at a rate not
24 to exceed \$10 per day established, with the concurrence of the
25 chief judge of the judicial circuit, by the county board of the
26 county in which the minor is detained unless the court

1 determines that it is in the best interest and welfare of the
2 minor to waive the fee. The concurrence of the chief judge
3 shall be in the form of an administrative order. Each week, on
4 a day designated by the clerk of the circuit court, that parent
5 or other person shall pay the clerk for the minor's room and
6 board. All fees for room and board collected by the circuit
7 court clerk shall be disbursed into the separate county fund
8 under Section 6-7.

9 Upon application, the court shall waive liability for
10 support or legal fees under this Section if the parent or other
11 person establishes that he or she is indigent and unable to pay
12 the incurred liability, and the court may reduce or waive
13 liability if the parent or other person establishes
14 circumstances showing that full payment of support or legal
15 fees would result in financial hardship to the person or his or
16 her family.

17 (2) When a person so ordered to pay for the care and
18 support of a minor is employed for wages, salary or commission,
19 the court may order him to make the support payments for which
20 he is liable under this Act out of his wages, salary or
21 commission and to assign so much thereof as will pay the
22 support. The court may also order him to make discovery to the
23 court as to his place of employment and the amounts earned by
24 him. Upon his failure to obey the orders of court he may be
25 punished as for contempt of court.

26 (3) If the minor is a recipient of public aid under the

1 Illinois Public Aid Code, the court shall order that payments
2 made by a parent or through assignment of his wages, salary or
3 commission be made directly to (a) the Department of Healthcare
4 and Family Services if the minor is a recipient of aid under
5 Article V of the Code, (b) the Department of Human Services if
6 the minor is a recipient of aid under Article IV of the Code,
7 or (c) the local governmental unit responsible for the support
8 of the minor if he is a recipient under Articles VI or VII of
9 the Code. The order shall permit the Department of Healthcare
10 and Family Services, the Department of Human Services, or the
11 local governmental unit, as the case may be, to direct that
12 subsequent payments be made directly to the guardian or
13 custodian of the minor, or to some other person or agency in
14 the minor's behalf, upon removal of the minor from the public
15 aid rolls; and upon such direction and removal of the minor
16 from the public aid rolls, the Department of Healthcare and
17 Family Services, Department of Human Services, or local
18 governmental unit, as the case requires, shall give written
19 notice of such action to the court. Payments received by the
20 Department of Healthcare and Family Services, Department of
21 Human Services, or local governmental unit are to be covered,
22 respectively, into the General Revenue Fund of the State
23 Treasury or General Assistance Fund of the governmental unit,
24 as provided in Section 10-19 of the Illinois Public Aid Code.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 10. The Illinois Parentage Act of 1984 is amended
2 by changing Section 6.5 as follows:

3 (750 ILCS 45/6.5)

4 Sec. 6.5. Custody or visitation by sex offender prohibited.
5 A person found to be the father of a child under this Act, and
6 who has been convicted of or ~~who has~~ pled guilty or nolo
7 contendre to a violation of Section 11-11 (sexual relations
8 within families), Section 12-13 (criminal sexual assault),
9 Section 12-14 (aggravated criminal sexual assault), Section
10 12-14.1 (predatory criminal sexual assault of a child), Section
11 12-15 (criminal sexual abuse), or Section 12-16 (aggravated
12 criminal sexual abuse) of the Criminal Code of 1961 or a
13 similar statute in Illinois or another jurisdiction for his
14 conduct in fathering that child, shall not be entitled to
15 custody of or visitation with that child without the consent of
16 the mother or guardian, unless the guardian of the child is
17 ~~other than~~ the father of the child, and the father of the child
18 ~~who~~ has been convicted of or pled guilty or nolo contendere to
19 one of the offenses listed in this Section, or, in cases where
20 the mother is a minor, the guardian of the mother of the child,
21 unless the guardian of the mother is the father of the child,
22 and the father of the child has been convicted or pled guilty
23 or nolo contendere to one of the offenses listed in this
24 Section. Notwithstanding any other provision of this Act,
25 nothing in this Section shall be construed to relieve the

1 father of any support and maintenance obligations to the child
2 under this Act.

3 (Source: P.A. 94-928, eff. 6-26-06.)

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