

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Dependency Determinations for Unaccompanied Children Act.

6 Section 5. Legislative findings and purpose. The General
7 Assembly finds and declares that:

8 (1) State courts have a traditional and vital role in
9 making determinations regarding the protection, custody,
10 and care of children within the State; and

11 (2) it is therefore necessary to clarify the
12 jurisdiction of Illinois courts to issue such
13 determinations when the child is in the custody of the
14 federal Office of Refugee Resettlement.

15 Section 10. Definitions. As used in this Act:

16 "Abuse" includes the meaning ascribed to the term in
17 Section 103 of the Illinois Domestic Violence Act of 1986 and
18 in Section 2-3 of the Juvenile Court Act of 1987.

19 "Abandonment" includes, but is not limited to, the failure
20 of a parent to maintain a reasonable degree of interest,
21 concern, or responsibility for the welfare of the child or
22 when one or both of the child's parents are deceased or cannot

1 be reasonably located and includes the definition of
2 dependency in Section 2-4 of the Juvenile Court of 1987.

3 "Dependent on the court" means a child is under the
4 jurisdiction of a "juvenile court" as defined in this
5 Section's jurisdiction; the child was adjudicated at any time
6 by a court acting under this Act's authority as abused,
7 neglected, or abandoned as defined in this Act, and the child
8 is in need of oversight and supportive services as determined
9 by the court.

10 "Juvenile court" means a court located in the United
11 States that has jurisdiction under state law to make judicial
12 determinations concerning the custody, guardianship, abuse,
13 neglect, dependency, or protection of a juvenile and is
14 authorized to issue orders, make factual findings and
15 determinations concerning such matters as parental
16 reunification, best interest of minors, including such
17 findings necessary to enable a child who files a petition
18 under this Act to petition the United States Citizenship and
19 Immigration Services.

20 "Neglect" includes the meaning ascribed to the term in
21 paragraph (a) of subsection (1) of Section 2-3 of the Juvenile
22 Court Act of 1987 and the failure to perform caretaking
23 functions as defined in subsection (c) of Section 600 of the
24 Illinois Marriage and Dissolution of Marriage Act.

25 "Unaccompanied child" means a person under 18 years of age
26 who meets the definition in Section 279(g) (2) of Title 6 of the

1 United States Code, including any child who lacks a parent or
2 legal guardian in the United States available to provide care
3 and physical custody and who is in the custody of the federal
4 Office of Refugee Resettlement.

5 Section 15. Jurisdiction and venue.

6 (a) Proceedings may be instituted under this Act for
7 unaccompanied children in the custody of the federal Office of
8 Refugee Resettlement who are alleged to be abused, neglected,
9 or abandoned as defined in this Act. In making determinations
10 under this Act, the court shall be acting as a juvenile court.

11 (b) A proceeding under this Act may be commenced in any
12 county in this State.

13 Section 20. Petition.

14 (a) An unaccompanied child in the custody of the federal
15 Office of Refugee Resettlement housed in Illinois who is
16 alleged to have been abused, neglected, or abandoned by one or
17 both parents may file a petition seeking a finding of
18 dependency upon the court under this Act.

19 (b) The petition must:

20 (1) set forth the facts that bring the child under the
21 court's jurisdiction under this Act;

22 (2) state the child's name, age, and country of birth;

23 (3) identify the facility in Illinois where the child
24 is housed in the custody of the federal Office of Refugee

1 Resettlement;

2 (4) set forth facts alleging that reunification of the
3 child with one or both of the child's parents is not viable
4 because of abuse, neglect, abandonment, or another similar
5 basis; and

6 (5) set forth facts alleging that it is not in the best
7 interest of the child to be returned to the child's or
8 parent's previous country of nationality or last habitual
9 residence.

10 (c) Statements in the petition may be made upon
11 information and belief.

12 (d) The petition may not name the child's parent as a
13 respondent.

14 (e) The petition must clearly state that parental rights
15 may not be terminated through proceedings under this Act.

16 Section 25. Hearing and disposition.

17 (a) The court shall conduct a hearing within 35 days after
18 the petition is filed, unless a motion is made for an earlier
19 date because the child is approaching 18 years of age or other
20 emergent circumstances exist; in which case, the court shall
21 schedule and conduct the hearing as soon as reasonably
22 possible before the child's eighteenth birthday or to address
23 the emergent circumstances no later than 7 days after the
24 motion is filed alleging emergent circumstances.

25 (b) If the court finds the statements in the petition are

1 supported by a preponderance of the evidence, which may
2 consist solely of, but is not limited to, a declaration by the
3 child, the court shall issue an order that includes the
4 following findings:

5 (1) the child is declared a dependent on the court;

6 (2) reunification of the child with one or both of the
7 child's parents is not viable because of abuse, neglect,
8 abandonment, or other similar basis; and

9 (3) it is not in the best interest of the child to be
10 returned to the child's or parent's previous country of
11 nationality or last habitual residence.

12 (c) A child declared dependent on the court is eligible
13 for oversight and services as ordered by the court and may be
14 referred for psychological, educational, medical, or social
15 services deemed necessary as a result of parental abuse,
16 abandonment, or neglect or for protection against trafficking
17 or domestic violence. Participation in any referred services
18 is voluntary.

19 (d) The court may retain jurisdiction over the child until
20 the child reaches 18 years of age or until further order of the
21 court.

22 (e) Nothing in this Act is intended to modify, alter, or
23 otherwise amend existing law related to the physical custody
24 or placement of an unaccompanied child, and findings made
25 under this Act shall not be used in any manner that is
26 inconsistent with existing law relating to the physical

1 custody or placement of a minor child.

2 Section 30. Fees. No fees may be required of any child who
3 files a petition under this Act.

4 Section 35. Guardian ad litem. If a child is represented
5 by an attorney, a proceeding under this Act may proceed
6 without the appointment of a guardian ad litem for the child.

7 Section 40. Confidentiality. All court proceedings and
8 documents under this Act are confidential, must be sealed, and
9 may not be made available to the public.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.