

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 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 2-4a as follows:

6 (705 ILCS 405/2-4a)

7 Sec. 2-4a. Special immigrant minor.

8 (a) The court has jurisdiction to make the findings
9 necessary to enable a minor ~~Except as otherwise provided in~~
10 ~~this Act, a special immigrant minor under 18 years of age who~~
11 ~~has been adjudicated~~ ~~made~~ a ward of the court to petition the
12 United States Citizenship and Immigration Services for
13 classification as a special immigrant juvenile under 8 U.S.C.
14 1101(a)(27)(J). A minor for whom the court finds under
15 subsection (b) shall ~~may be deemed eligible by the court for~~
16 ~~long term foster care due to abuse, neglect, or abandonment and~~
17 ~~remain under the jurisdiction of the juvenile court until his~~
18 ~~or her special immigrant juvenile~~ petition is filed with the
19 United States Citizenship and Immigration Services, or its
20 successor agency ~~status and adjustment of status applications~~
21 ~~are adjudicated. The petition filed on behalf of the special~~
22 ~~immigrant minor must allege that he or she otherwise satisfies~~
23 ~~the prerequisites for special immigrant juvenile status~~

1 ~~pursuant to 8 U.S.C. Section 1101(a)(27)(J) and must state the~~
2 ~~eustodial status sought on behalf of the minor.~~

3 (b) If a motion requests findings regarding Special
4 Immigrant Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and the
5 evidence, which may consist solely of, but is not limited to, a
6 declaration of the minor, supports the findings, the court
7 shall issue an order that includes ~~For the purposes of this~~
8 ~~Section, a juvenile court may make a finding that a special~~
9 ~~immigrant minor is eligible for long term foster care if the~~
10 ~~court makes the following findings:~~

11 (1) (A) the minor is declared a dependent of the court;
12 or (B) the minor is legally committed to, or placed under
13 the custody of, a State agency or department, or an
14 individual or entity appointed by the court; and ~~That a~~
15 ~~reasonable diligent search for biological parents, prior~~
16 ~~adoptive parents, or prior legal guardians has been~~
17 ~~conducted; and~~

18 (2) that reunification of the minor with one or both of
19 the minor's parents is not viable due to abuse, neglect,
20 abandonment, or other similar basis; and ~~That~~
21 ~~reunification with the minor's biological parents or prior~~
22 ~~adoptive parents is not a viable option.~~

23 (3) that it is not in the best interest of the minor to
24 be returned to the minor's or parent's previous country of
25 nationality or last habitual residence.

26 (c) In ~~For the purposes of this Section:~~

1 (1) The term "abandonment" means, but is not limited
2 to, the failure of a parent or legal guardian to maintain a
3 reasonable degree of interest, concern, or responsibility
4 for the welfare of his or her minor child or ward.

5 (2) (Blank). ~~The term "special immigrant minor" means~~
6 ~~an immigrant minor who (i) is present in the United States~~
7 ~~and has been made a ward of the court and (ii) for whom it~~
8 ~~has been determined by the juvenile court or in an~~
9 ~~administrative or judicial proceeding that it would not be~~
10 ~~in his or her best interests to be returned to his or her~~
11 ~~previous country of nationality or country of last habitual~~
12 ~~residence.~~

13 (d) (Blank). ~~This Section does not apply to a minor who~~
14 ~~applies for special immigrant minor status solely for the~~
15 ~~purpose of qualifying for financial assistance for himself or~~
16 ~~herself or for his or her parents, guardian, or custodian.~~

17 (Source: P.A. 93-145, eff. 7-10-03.)

18 Section 10. The Illinois Marriage and Dissolution of
19 Marriage Act is amended by adding Section 603.11 as follows:

20 (750 ILCS 5/603.11 new)

21 Sec. 603.11. Special immigrant child findings.

22 (a) For the purpose of making a finding under this Section:

23 "Abuse" has the meaning ascribed to that term in
24 subsection (1) of Section 103 of the Illinois Domestic

1 Violence Act of 1986.

2 "Abandonment" includes, but is not limited to, the
3 failure of a parent to maintain a reasonable degree of
4 interest, concern, or responsibility for the welfare of the
5 child or when one or both of the child's parents are
6 deceased or cannot be reasonably located.

7 "Neglect" includes the meaning ascribed to the term in
8 paragraph (a) of subsection (1) of Section 2-3 of the
9 Juvenile Court Act of 1987 and the failure to perform
10 caretaking functions as defined in subsection (c) of
11 Section 600.

12 (b) A court of this State that is competent to allocate
13 parenting responsibilities has jurisdiction to make the
14 findings necessary to enable a child, who is the subject of a
15 petition to allocate parenting responsibilities, to petition
16 the United States Citizenship and Immigration Services for
17 classification as a Special Immigrant Juvenile under Section
18 1101(a) (27) (J) of Title 8 of the United States Code.

19 (c) If a motion requests findings regarding Special
20 Immigrant Juvenile Status under Section 1101(a) (27) (J) of
21 Title 8 of the United States Code, and the evidence, which may
22 consist solely of, but is not limited to, a declaration by the
23 child, supports the findings, the court shall issue an order,
24 that includes the following findings:

25 (1) (A) the child is declared a dependent of the court;
26 or (B) the child is placed under the custody of an

1 individual or entity appointed by the court; and

2 (2) that reunification of the child with one or both of
3 the child's parents is not viable due to abuse, neglect,
4 abandonment, or other similar basis; and

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

8 (d) In any proceedings in response to a motion that the
9 court make the findings necessary to support a petition for
10 classification as a Special Immigrant Juvenile, information
11 regarding the immigration status of the child, the child's
12 parent, or the child's guardian that is not otherwise protected
13 by State confidentiality laws shall remain confidential and
14 shall be available for inspection only by the court, the child
15 who is the subject of the proceeding, the parties, the
16 attorneys for the parties, the child's counsel, and the child's
17 parent or guardian.

18 Section 15. The Illinois Parentage Act of 2015 is amended
19 by adding Section 613.5 as follows:

20 (750 ILCS 46/613.5 new)

21 Sec. 613.5. Special immigrant child findings.

22 (a) For the purpose of making a finding under this Section:

23 "Abuse" has the meaning ascribed to that term in
24 subsection (1) of Section 103 of the Illinois Domestic

1 Violence Act of 1986.

2 "Abandonment" includes, but is not limited to, the
3 failure of a parent to maintain a reasonable degree of
4 interest, concern, or responsibility for the welfare of the
5 child or when one or both of the child's parents are
6 deceased or cannot be reasonably located.

7 "Neglect" includes the meaning ascribed to the term in
8 paragraph (a) of subsection (1) of Section 2-3 of the
9 Juvenile Court Act of 1987 and the failure to perform
10 caretaking functions as defined in subsection (c) of
11 Section 600 of the Illinois Marriage and Dissolution of
12 Marriage Act.

13 (b) A court of this State that is competent to adjudicate
14 parentage has jurisdiction to make the findings necessary to
15 enable a child, who is the subject of a proceeding to
16 adjudicate parentage, to petition the United States
17 Citizenship and Immigration Services for classification as a
18 Special Immigrant Juvenile under Section 1101(a)(27)(J) of
19 Title 8 of the United States Code.

20 (c) If a motion requests findings regarding Special
21 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
22 Title 8 of the United States Code, and the evidence, which may
23 consist solely of, but is not limited to, a declaration by the
24 child, supports the findings, the court shall issue an order,
25 that includes the following findings:

26 (1) (A) the child is declared a dependent of the court;

1 or (B) the child is placed under the custody of an
2 individual or entity appointed by the court; and

3 (2) that reunification of the child with one or both of
4 the child's parents is not viable due to abuse, neglect,
5 abandonment, or other similar basis; and

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

9 (d) In any proceedings in response to a motion that the
10 court make the findings necessary to support a petition for
11 classification as a Special Immigrant Juvenile, information
12 regarding the immigration status of the child, the child's
13 parent, or the child's guardian that is not otherwise protected
14 by State confidentiality laws shall remain confidential and
15 shall be available for inspection only by the court, the child
16 who is the subject of the proceeding, the parties, the
17 attorneys for the parties, the child's counsel, and the child's
18 parent or guardian.

19 Section 20. The Adoption Act is amended by adding Section
20 17.01 as follows:

21 (750 ILCS 50/17.01 new)

22 Sec. 17.01. Special immigrant child findings.

23 (a) For the purpose of making a finding under this Section:

24 "Abuse" has the meaning ascribed to that term in

1 subsection (1) of Section 103 of the Illinois Domestic
2 Violence Act of 1986.

3 "Abandonment" includes, but is not limited to, the
4 failure of a parent to maintain a reasonable degree of
5 interest, concern, or responsibility for the welfare of the
6 child or when one or both of the child's parents are
7 deceased or cannot be reasonably located.

8 "Neglect" includes the meaning ascribed to the term in
9 paragraph (a) of subsection (1) of Section 2-3 of the
10 Juvenile Court Act of 1987 and the failure to perform
11 caretaking functions as defined in subsection (c) of
12 Section 600 of the Illinois Marriage and Dissolution of
13 Marriage Act.

14 (b) A court of this State that is competent to adjudicate
15 adoption petitions has jurisdiction to make the findings
16 necessary to enable a child, who is the subject of a pending
17 adoption petition, to petition the United States Citizenship
18 and Immigration Services for classification as a Special
19 Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of
20 the United States Code.

21 (c) If a motion requests findings regarding Special
22 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
23 Title 8 of the United States Code, and the evidence, which may
24 consist solely of, but is not limited to, a declaration by the
25 child, supports the findings, the court shall issue an order,
26 that includes the following findings:

1 (1) (A) the child is declared a dependent of the court;
2 or (B) the child is legally committed to, or placed under
3 the custody of, a State agency or department or an
4 individual or entity appointed by the court; and

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

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

11 Section 25. The Illinois Domestic Violence Act of 1986 is
12 amended by adding Section 214.5 as follows:

13 (750 ILCS 60/214.5 new)

14 Sec. 214.5. Special immigrant child findings.

15 (a) For the purpose of making a finding under this Section:

16 "Abuse" has the meaning ascribed to that term in
17 subsection (1) of Section 103 of the Illinois Domestic
18 Violence Act of 1986.

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

24 "Neglect" includes the meaning ascribed to the term in

1 paragraph (a) of subsection (1) of Section 2-3 of the
2 Juvenile Court Act of 1987 and the failure to perform
3 caretaking functions as defined in subsection (c) of
4 Section 600 of the Illinois Marriage and Dissolution of
5 Marriage Act.

6 (b) A court of this State that is competent to issue an
7 order of protection has jurisdiction to make the findings
8 necessary to enable a child, who is a subject of or a minor
9 child included in a petition for an order of protection, to
10 petition the United States Citizenship and Immigration
11 Services for classification as a Special Immigrant Juvenile
12 under Section 1101(a)(27)(J) of Title 8 of the United States
13 Code.

14 (c) If a motion requests findings regarding Special
15 Immigrant Juvenile Status under Section 1101(a)(27)(J) of
16 Title 8 of the United States Code, and the evidence, which may
17 consist solely of, but is not limited to, a declaration by the
18 child, supports the findings, the court shall issue an order,
19 that includes the following findings:

20 (1) (A) the child is declared a dependent of the court;
21 or (B) the child is legally committed to, or placed under
22 the custody of, a State agency or department or an
23 individual or entity appointed by the court; and

24 (2) that reunification of the child with one or both of
25 the child's parents is not viable due to abuse, neglect,
26 abandonment, or other similar basis; and

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

4 (d) In any proceedings in response to a motion that the
5 court make the findings necessary to support a petition for
6 classification as a Special Immigrant Juvenile, information
7 regarding the immigration status of the child, the child's
8 parent, or the child's guardian that is not otherwise protected
9 by State confidentiality laws shall remain confidential and
10 shall be available for inspection only by the court, the child
11 who is the subject of the proceeding, the parties, the
12 attorneys for the parties, the child's counsel, and the child's
13 parent or guardian.

14 Section 30. The Probate Act of 1975 is amended by adding
15 Section 11-5.5 as follows:

16 (755 ILCS 5/11-5.5 new)

17 Sec. 11-5.5. Special immigrant minor findings.

18 (a) For the purpose of making a finding under this Section:

19 "Abuse" has the meaning ascribed to that term in
20 subsection (1) of Section 103 of the Illinois Domestic
21 Violence Act of 1986.

22 "Abandonment" includes, but is not limited to, the
23 failure of a parent to maintain a reasonable degree of
24 interest, concern, or responsibility for the welfare of the

1 minor or when one or both of the minor's parents are
2 deceased or cannot be reasonably located.

3 "Neglect" includes the meaning ascribed to the term in
4 paragraph (a) of subsection (1) of Section 2-3 of the
5 Juvenile Court Act of 1987 and the failure to perform
6 caretaking functions as defined in subsection (c) of
7 Section 600 of the Illinois Marriage and Dissolution of
8 Marriage Act.

9 (b) A court of this State that is competent to adjudicate a
10 petition for guardianship has jurisdiction to make the findings
11 necessary to enable a minor, who is the subject of a petition
12 for guardianship, to petition the United States Citizenship and
13 Immigration Services for classification as a Special Immigrant
14 Juvenile under Section 1101(a) (27) (J) of Title 8 of the United
15 States Code.

16 (c) If a motion requests findings regarding Special
17 Immigrant Juvenile Status under Section 1101(a) (27) (J) of
18 Title 8 of the United States Code, and the evidence, which may
19 consist solely of, but is not limited to, a declaration by the
20 minor, supports the findings, the court shall issue an order,
21 that includes the following findings:

22 (1) (A) the minor is declared a dependent of the court;
23 or (B) the minor is legally committed to, or placed under
24 the custody of, a State agency or department or an
25 individual or entity appointed by the court; and

26 (2) that reunification of the minor with one or both of

1 the minor's parents is not viable due to abuse, neglect,
2 abandonment, or other similar basis; and

3 (3) that it is not in the best interest of the minor to
4 be returned to the minor's or parent's previous country of
5 nationality or last habitual residence.

6 (d) In any proceedings in response to a motion that the
7 court make the findings necessary to support a petition for
8 classification as a Special Immigrant Juvenile, information
9 regarding the immigration status of the minor, the minor's
10 parent, or the minor's guardian that is not otherwise protected
11 by State confidentiality laws shall remain confidential and
12 shall be available for inspection only by the court, the minor
13 who is the subject of the proceeding, the parties, the
14 attorneys for the parties, the minor's counsel, and the minor's
15 parent or guardian.