



Rep. Jennifer Gong-Gershowitz

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1 AMENDMENT TO HOUSE BILL 1553

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1553 by replacing  
3 everything after the enacting clause with the following:

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~~

1 remain under the jurisdiction of the ~~juvenile~~ court until his  
2 or her special immigrant juvenile petition is filed with the  
3 United States Citizenship and Immigration Services, or its  
4 successor agency ~~status and adjustment of status applications~~  
5 ~~are adjudicated. The petition filed on behalf of the special~~  
6 ~~immigrant minor must allege that he or she otherwise satisfies~~  
7 ~~the prerequisites for special immigrant juvenile status~~  
8 ~~pursuant to 8 U.S.C. Section 1101(a)(27)(J) and must state the~~  
9 ~~eustodial status sought on behalf of the minor.~~

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

18 (1) (A) the minor is declared a dependent of the court;  
19 or (B) the minor is legally committed to, or placed under  
20 the custody of, a State agency or department, or an  
21 individual or entity appointed by the court; and ~~That a~~  
22 ~~reasonable diligent search for biological parents, prior~~  
23 ~~adoptive parents, or prior legal guardians has been~~  
24 ~~conducted; and~~

25 (2) that reunification of the minor with one or both of  
26 the minor's parents is not viable due to abuse, neglect,

1 abandonment, or other similar basis; and ~~That~~  
2 ~~reunification with the minor's biological parents or prior~~  
3 ~~adoptive parents is not a viable option.~~

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

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

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

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

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

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

25 Section 10. The Illinois Marriage and Dissolution of

1 Marriage Act is amended by adding Section 603.11 as follows:

2 (750 ILCS 5/603.11 new)

3 Sec. 603.11. Special immigrant child findings.

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

5 "Abuse" has the meaning ascribed to that term in  
6 subsection (1) of Section 103 of the Illinois Domestic  
7 Violence Act of 1986.

8 "Abandonment" includes, but is not limited to, the  
9 failure of a parent to maintain a reasonable degree of  
10 interest, concern, or responsibility for the welfare of the  
11 child or when one or both of the child's parents are  
12 deceased or cannot be reasonably located.

13 "Neglect" includes the meaning ascribed to the term in  
14 paragraph (a) of subsection (1) of Section 2-3 of the  
15 Juvenile Court Act of 1987 and the failure to perform  
16 caretaking functions as defined in subsection (c) of  
17 Section 600.

18 (b) A court of this State that is competent to allocate  
19 parenting responsibilities has jurisdiction to make the  
20 findings necessary to enable a child, who is the subject of a  
21 petition to allocate parenting responsibilities, to petition  
22 the United States Citizenship and Immigration Services for  
23 classification as a Special Immigrant Juvenile under Section  
24 1101(a) (27) (J) of Title 8 of the United States Code.

25 (c) If a motion requests findings regarding Special

1 Immigrant Juvenile Status under Section 1101(a)(27)(J) of  
2 Title 8 of the United States Code, and the evidence, which may  
3 consist solely of, but is not limited to, a declaration by the  
4 child, supports the findings, the court shall issue an order,  
5 that includes the following findings:

6 (1) (A) the child is declared a dependent of the court;  
7 or (B) the child is placed under the custody of an  
8 individual or entity appointed by the court; and

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

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

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

25 Section 15. The Illinois Parentage Act of 2015 is amended

1 by adding Section 613.5 as follows:

2 (750 ILCS 46/613.5 new)

3 Sec. 613.5. Special immigrant child findings.

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

5 "Abuse" has the meaning ascribed to that term in  
6 subsection (1) of Section 103 of the Illinois Domestic  
7 Violence Act of 1986.

8 "Abandonment" includes, but is not limited to, the  
9 failure of a parent to maintain a reasonable degree of  
10 interest, concern, or responsibility for the welfare of the  
11 child or when one or both of the child's parents are  
12 deceased or cannot be reasonably located.

13 "Neglect" includes the meaning ascribed to the term in  
14 paragraph (a) of subsection (1) of Section 2-3 of the  
15 Juvenile Court Act of 1987 and the failure to perform  
16 caretaking functions as defined in subsection (c) of  
17 Section 600 of the Illinois Marriage and Dissolution of  
18 Marriage Act.

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

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

7           (1) (A) the child is declared a dependent of the court;  
8           or (B) the child is placed under the custody of an  
9           individual or entity appointed by the court; and

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

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

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

1 Section 20. The Adoption Act is amended by adding Section  
2 17.01 as follows:

3 (750 ILCS 50/17.01 new)

4 Sec. 17.01. Special immigrant child findings.

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

6 "Abuse" has the meaning ascribed to that term in  
7 subsection (1) of Section 103 of the Illinois Domestic  
8 Violence Act of 1986.

9 "Abandonment" includes, but is not limited to, the  
10 failure of a parent to maintain a reasonable degree of  
11 interest, concern, or responsibility for the welfare of the  
12 child or when one or both of the child's parents are  
13 deceased or cannot be reasonably located.

14 "Neglect" includes the meaning ascribed to the term in  
15 paragraph (a) of subsection (1) of Section 2-3 of the  
16 Juvenile Court Act of 1987 and the failure to perform  
17 caretaking functions as defined in subsection (c) of  
18 Section 600 of the Illinois Marriage and Dissolution of  
19 Marriage Act.

20 (b) A court of this State that is competent to adjudicate  
21 adoption petitions has jurisdiction to make the findings  
22 necessary to enable a child, who is the subject of a pending  
23 adoption petition, to petition the United States Citizenship  
24 and Immigration Services for classification as a Special  
25 Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of

1 the United States Code.

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

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

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

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

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

20 (750 ILCS 60/214.5 new)

21 Sec. 214.5. 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 issue an  
14 order of protection has jurisdiction to make the findings  
15 necessary to enable a child, who is a subject of or a minor  
16 child included in a petition for an order of protection, to  
17 petition the United States Citizenship and Immigration  
18 Services for classification as a Special Immigrant Juvenile  
19 under Section 1101(a)(27)(J) of Title 8 of the United States  
20 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           (d) In any proceedings in response to a motion that the  
12           court make the findings necessary to support a petition for  
13           classification as a Special Immigrant Juvenile, information  
14           regarding the immigration status of the child, the child's  
15           parent, or the child's guardian that is not otherwise protected  
16           by State confidentiality laws shall remain confidential and  
17           shall be available for inspection only by the court, the child  
18           who is the subject of the proceeding, the parties, the  
19           attorneys for the parties, the child's counsel, and the child's  
20           parent or guardian.

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

23           (755 ILCS 5/11-5.5 new)

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

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

2           "Abuse" has the meaning ascribed to that term in  
3       subsection (1) of Section 103 of the Illinois Domestic  
4       Violence Act of 1986.

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

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

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

23       (c) If a motion requests findings regarding Special  
24       Immigrant Juvenile Status under Section 1101(a)(27)(J) of  
25       Title 8 of the United States Code, and the evidence, which may  
26       consist solely of, but is not limited to, a declaration by the

1 minor, supports the findings, the court shall issue an order,  
2 that includes the following findings:

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

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

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

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