



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2256

by Rep. David A. Welter

SYNOPSIS AS INTRODUCED:

750 ILCS 30/2
750 ILCS 30/9

from Ch. 40, par. 2202
from Ch. 40, par. 2209

Amends the Emancipation of Minors Act. Deletes language stating that no order of complete or partial emancipation may be entered if there is any objection by the minor's parents or guardian. Provides instead that an order of complete or partial emancipation may be entered if there is an objection by the minor's parents or guardian only if the court finds, in a hearing, that emancipation would be in the minor's best interests. Effective immediately.

LRB101 06961 LNS 51994 b

1 AN ACT concerning civil law.

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

4 Section 5. The Emancipation of Minors Act is amended by
5 changing Sections 2 and 9 as follows:

6 (750 ILCS 30/2) (from Ch. 40, par. 2202)

7 Sec. 2. Purpose and policy. The purpose of this Act is to
8 provide a means by which a mature minor who has demonstrated
9 the ability and capacity to manage his own affairs and to live
10 wholly or partially independent of his parents or guardian, may
11 obtain the legal status of an emancipated person with power to
12 enter into valid legal contracts.

13 This Act is not intended to interfere with the integrity of
14 the family or the rights of parents and their children. No
15 order of complete or partial emancipation may be entered under
16 this Act if there is any objection by the minor, ~~his parents or~~
17 ~~guardian.~~ An order of complete or partial emancipation may be
18 entered under this Act if there is an objection by the minor's
19 parents or guardian only if the court finds, in a hearing, that
20 emancipation would be in the minor's best interests. This Act
21 does not limit or exclude any other means either in statute or
22 case law by which a minor may become emancipated.

23 (g) Beginning January 1, 2019, and annually thereafter

1 through January 1, 2024, the Department of Human Services shall
2 submit annual reports to the General Assembly regarding
3 homeless minors older than 16 years of age but less than 18
4 years of age referred to a youth transitional housing program
5 for whom parental consent to enter the program is not obtained.
6 The report shall include the following information:

7 (1) the number of homeless minors referred to youth
8 transitional housing programs;

9 (2) the number of homeless minors who were referred but
10 a licensed youth transitional housing program was not able
11 to provide housing and services, and what subsequent steps,
12 if any, were taken to ensure that the homeless minors were
13 referred to an appropriate and available alternative
14 placement;

15 (3) the number of homeless minors who were referred but
16 determined to be ineligible for a youth transitional
17 housing program and the reason why the homeless minors were
18 determined to be ineligible, and what subsequent steps, if
19 any, were taken to ensure that the homeless minors were
20 referred to an appropriate and available alternative
21 placement; and

22 (4) the number of homeless minors who voluntarily left
23 the program and who were dismissed from the program while
24 they were under the age of 18, and what subsequent steps,
25 if any, were taken to ensure that the homeless minors were
26 referred to an appropriate and available alternative

1 placement.

2 (Source: P.A. 100-162, eff. 1-1-18.)

3 (750 ILCS 30/9) (from Ch. 40, par. 2209)

4 Sec. 9. Hearing on petition.

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

10 If, after the hearing, the court determines that the minor
11 is a mature minor who is of sound mind and has the capacity and
12 maturity to manage his own affairs including his finances, and
13 that the best interests of the minor and his family will be
14 promoted by declaring the minor an emancipated minor, the court
15 shall enter a finding that the minor is an emancipated minor
16 within the meaning of this Act, or that the mature minor is
17 partially emancipated with such limitations as the court by
18 order deems appropriate. No order of complete or partial
19 emancipation may be entered under this Act if there is any
20 objection by the minor, ~~his parents or guardian~~. An order of
21 complete or partial emancipation may be entered under this Act
22 if there is an objection by the minor's parents or guardian
23 only if the court finds, in a hearing, that emancipation would
24 be in the minor's best interests.

25 (b) (Blank).

1 (Source: P.A. 100-162, eff. 1-1-18.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.