



Sen. Laura Fine

Filed: 2/20/2019

10100SB0193sam001

LRB101 08510 SLF 56515 a

1 AMENDMENT TO SENATE BILL 193

2 AMENDMENT NO. _____. Amend Senate Bill 193 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 Sections 2-31 and 2-33 as follows:

6 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

7 Sec. 2-31. Duration of wardship and discharge of
8 proceedings.

9 (1) All proceedings under Article II of this Act in respect
10 of any minor ~~for whom a petition was filed after the effective~~
11 ~~date of this amendatory Act of 1991~~ automatically terminate
12 upon his or her attaining the age of 21 ~~19~~ years, ~~except that a~~
13 ~~court may continue the wardship of a minor until age 21 for~~
14 ~~good cause when there is satisfactory evidence presented to the~~
15 ~~court and the court makes written factual findings that the~~
16 ~~health, safety, and best interest of the minor and the public~~

1 ~~require the continuation of the wardship. A court shall find~~
2 ~~that it is in the minor's best interest to continue wardship if~~
3 ~~the Department of Children and Family Services has not made~~
4 ~~reasonable efforts to ensure that the minor has documents~~
5 ~~necessary for adult living as provided in Section 35.10 of the~~
6 ~~Children and Family Services Act.~~

7 (2) Whenever the court determines, and makes written
8 factual findings, that health, safety, and the best interests
9 of the minor and the public no longer require the wardship of
10 the court, the court shall order the wardship terminated and
11 all proceedings under this Act respecting that minor finally
12 closed and discharged. The court may at the same time continue
13 or terminate any custodianship or guardianship theretofore
14 ordered but the termination must be made in compliance with
15 Section 2-28. When terminating wardship under this Section, if
16 the minor is over 18, or if wardship is terminated in
17 conjunction with an order partially or completely emancipating
18 the minor in accordance with the Emancipation of Minors Act,
19 the court shall also make specific findings of fact as to the
20 minor's wishes regarding case closure and the manner in which
21 the minor will maintain independence. The minor's lack of
22 cooperation with services provided by the Department of
23 Children and Family Services shall not by itself be considered
24 sufficient evidence that the minor is prepared to live
25 independently and that it is in the best interest of the minor
26 to terminate wardship. It shall not be in the minor's best

1 interest to terminate wardship of a minor over the age of 18
2 who is in the guardianship of the Department of Children and
3 Family Services if the Department has not made reasonable
4 efforts to ensure that the minor has documents necessary for
5 adult living as provided in Section 35.10 of the Children and
6 Family Services Act.

7 (3) The wardship of the minor and any custodianship or
8 guardianship respecting the minor for whom a petition was filed
9 after the effective date of this amendatory Act of 1991
10 automatically terminates when he attains the age of 19 years
11 except as set forth in subsection (1) of this Section. The
12 clerk of the court shall at that time record all proceedings
13 under this Act as finally closed and discharged for that
14 reason. The provisions of this subsection (3) become
15 inoperative on and after the effective date of this amendatory
16 Act of the 101st General Assembly.

17 (4) Notwithstanding any provision of law to the contrary,
18 the changes made by this amendatory Act of the 101st General
19 Assembly apply to all cases that are pending on or after the
20 effective date of this amendatory Act of the 101st General
21 Assembly.

22 (Source: P.A. 100-680, eff. 1-1-19.)

23 (705 ILCS 405/2-33)

24 Sec. 2-33. Supplemental petition to reinstate wardship.

25 (1) Any time prior to a minor's 18th birthday, pursuant to

1 a supplemental petition filed under this Section, the court may
2 reinstate wardship and open a previously closed case when:

3 (a) wardship and guardianship under the Juvenile Court
4 Act of 1987 was vacated in conjunction with the appointment
5 of a private guardian under the Probate Act of 1975;

6 (b) the minor is not presently a ward of the court
7 under Article II of this Act nor is there a petition for
8 adjudication of wardship pending on behalf of the minor;
9 and

10 (c) it is in the minor's best interest that wardship be
11 reinstated.

12 (2) Any time prior to a minor's 21st birthday, pursuant to
13 a supplemental petition filed under this Section, the court may
14 reinstate wardship and open a previously closed case when:

15 (a) wardship and guardianship under this Act was
16 vacated pursuant to:

17 (i) an order entered under subsection (2) of
18 Section 2-31 in the case of a minor over the age of 18;

19 (ii) closure of a case under subsection (2) of
20 Section 2-31 in the case of a minor under the age of 18
21 who has been partially or completely emancipated in
22 accordance with the Emancipation of Minors Act; or

23 (iii) an order entered under subsection (3) of
24 Section 2-31 based on the minor's attaining the age of
25 19 years before the effective date of this amendatory
26 Act of the 101st General Assembly;

1 (b) the minor is not presently a ward of the court
2 under Article II of this Act nor is there a petition for
3 adjudication of wardship pending on behalf of the minor;
4 and

5 (c) it is in the minor's best interest that wardship be
6 reinstated.

7 (3) The supplemental petition must be filed in the same
8 proceeding in which the original adjudication order was
9 entered. Unless excused by court for good cause shown, the
10 petitioner shall give notice of the time and place of the
11 hearing on the supplemental petition, in person or by mail, to
12 the minor, if the minor is 14 years of age or older, and to the
13 parties to the juvenile court proceeding. Notice shall be
14 provided at least 3 court days in advance of the hearing date.

15 (4) A minor who is the subject of a petition to reinstate
16 wardship under this Section shall be provided with
17 representation in accordance with Sections 1-5 and 2-17 of this
18 Act.

19 (5) Whenever a minor is committed to the Department of
20 Children and Family Services for care and services following
21 the reinstatement of wardship under this Section, the
22 Department shall:

23 (a) Within 30 days of such commitment, prepare and file
24 with the court a case plan which complies with the federal
25 Adoption Assistance and Child Welfare Act of 1980 and is
26 consistent with the health, safety and best interests of

1 the minor; and

2 (b) Promptly refer the minor for such services as are
3 necessary and consistent with the minor's health, safety
4 and best interests.

5 (Source: P.A. 96-581, eff. 1-1-10.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".