



Sen. Laura Fine

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LRB101 08510 SLF 57639 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 consider the following factors, in
20 addition to the health, safety, and best interest of the minor
21 and the public: (A) the minor's wishes regarding case closure;
22 (B) the manner in which the minor will maintain independence
23 without services from the Department; (C) the minor's
24 engagement in services including placement offered by the
25 Department; (D) if the minor is not engaged the Department's
26 efforts to engage the minor; (E) the nature of communication

1 between the minor and the Department; (F) the minor's
2 involvement in other State systems or services; (G) the minor's
3 connections with family and other community support; and (H)
4 any other factor the court deems relevant ~~also make specific~~
5 ~~findings of fact as to the minor's wishes regarding case~~
6 ~~closure and the manner in which the minor will maintain~~
7 ~~independence.~~ The minor's lack of cooperation with services
8 provided by the Department of Children and Family Services
9 shall not by itself be considered sufficient evidence that the
10 minor is prepared to live independently and that it is in the
11 best interest of the minor to terminate wardship. It shall not
12 be in the minor's best interest to terminate wardship of a
13 minor over the age of 18 who is in the guardianship of the
14 Department of Children and Family Services if the Department
15 has not made reasonable efforts to ensure that the minor has
16 documents necessary for adult living as provided in Section
17 35.10 of the Children and Family Services Act.

18 (3) The wardship of the minor and any custodianship or
19 guardianship respecting the minor for whom a petition was filed
20 after the effective date of this amendatory Act of 1991
21 automatically terminates when he attains the age of 19 years
22 except as set forth in subsection (1) of this Section. The
23 clerk of the court shall at that time record all proceedings
24 under this Act as finally closed and discharged for that
25 reason. The provisions of this subsection (3) become
26 inoperative on and after the effective date of this amendatory

1 Act of the 101st General Assembly.

2 (4) Notwithstanding any provision of law to the contrary,
3 the changes made by this amendatory Act of the 101st General
4 Assembly apply to all cases that are pending on or after the
5 effective date of this amendatory Act of the 101st General
6 Assembly.

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

8 (705 ILCS 405/2-33)

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

10 (1) Any time prior to a minor's 18th birthday, pursuant to
11 a supplemental petition filed under this Section, the court may
12 reinstate wardship and open a previously closed case when:

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

16 (b) the minor is not presently a ward of the court
17 under Article II of this Act nor is there a petition for
18 adjudication of wardship pending on behalf of the minor;
19 and

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

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

25 (a) wardship and guardianship under this Act was

1 vacated pursuant to:

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

4 (ii) closure of a case under subsection (2) of
5 Section 2-31 in the case of a minor under the age of 18
6 who has been partially or completely emancipated in
7 accordance with the Emancipation of Minors Act; or

8 (iii) an order entered under subsection (3) of
9 Section 2-31 based on the minor's attaining the age of
10 19 years before the effective date of this amendatory
11 Act of the 101st General Assembly;

12 (b) the minor is not presently a ward of the court
13 under Article II of this Act nor is there a petition for
14 adjudication of wardship pending on behalf of the minor;
15 and

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

18 (3) The supplemental petition must be filed in the same
19 proceeding in which the original adjudication order was
20 entered. Unless excused by court for good cause shown, the
21 petitioner shall give notice of the time and place of the
22 hearing on the supplemental petition, in person or by mail, to
23 the minor, if the minor is 14 years of age or older, and to the
24 parties to the juvenile court proceeding. Notice shall be
25 provided at least 3 court days in advance of the hearing date.

26 (4) A minor who is the subject of a petition to reinstate

1 wardship under this Section shall be provided with
2 representation in accordance with Sections 1-5 and 2-17 of this
3 Act.

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

8 (a) Within 30 days of such commitment, prepare and file
9 with the court a case plan which complies with the federal
10 Adoption Assistance and Child Welfare Act of 1980 and is
11 consistent with the health, safety and best interests of
12 the minor; and

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

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."