



Rep. Michael J. Zalewski

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09700HB3005ham001

LRB097 09026 AJ0 52976 a

1 AMENDMENT TO HOUSE BILL 3005

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3005 by replacing  
3 the title with the following:

4 "AN ACT concerning parentage."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Juvenile Court Act of 1987 is amended by  
8 changing Section 1-3 as follows:

9 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

10 Sec. 1-3. Definitions. Terms used in this Act, unless the  
11 context otherwise requires, have the following meanings  
12 ascribed to them:

13 (1) "Adjudicatory hearing" means a hearing to determine  
14 whether the allegations of a petition under Section 2-13, 3-15  
15 or 4-12 that a minor under 18 years of age is abused, neglected

1 or dependent, or requires authoritative intervention, or  
2 addicted, respectively, are supported by a preponderance of the  
3 evidence or whether the allegations of a petition under Section  
4 5-520 that a minor is delinquent are proved beyond a reasonable  
5 doubt.

6 (2) "Adult" means a person 21 years of age or older.

7 (3) "Agency" means a public or private child care facility  
8 legally authorized or licensed by this State for placement or  
9 institutional care or for both placement and institutional  
10 care.

11 (4) "Association" means any organization, public or  
12 private, engaged in welfare functions which include services to  
13 or on behalf of children but does not include "agency" as  
14 herein defined.

15 (4.05) Whenever a "best interest" determination is  
16 required, the following factors shall be considered in the  
17 context of the child's age and developmental needs:

18 (a) the physical safety and welfare of the child,  
19 including food, shelter, health, and clothing;

20 (b) the development of the child's identity;

21 (c) the child's background and ties, including  
22 familial, cultural, and religious;

23 (d) the child's sense of attachments, including:

24 (i) where the child actually feels love,  
25 attachment, and a sense of being valued (as opposed to  
26 where adults believe the child should feel such love,

- 1 attachment, and a sense of being valued);
- 2 (ii) the child's sense of security;
- 3 (iii) the child's sense of familiarity;
- 4 (iv) continuity of affection for the child;
- 5 (v) the least disruptive placement alternative for
- 6 the child;
- 7 (e) the child's wishes and long-term goals;
- 8 (f) the child's community ties, including church,
- 9 school, and friends;
- 10 (g) the child's need for permanence which includes the
- 11 child's need for stability and continuity of relationships
- 12 with parent figures and with siblings and other relatives;
- 13 (h) the uniqueness of every family and child;
- 14 (i) the risks attendant to entering and being in
- 15 substitute care; and
- 16 (j) the preferences of the persons available to care
- 17 for the child.
- 18 (4.1) "Chronic truant" shall have the definition ascribed
- 19 to it in Section 26-2a of the School Code.
- 20 (5) "Court" means the circuit court in a session or
- 21 division assigned to hear proceedings under this Act.
- 22 (6) "Dispositional hearing" means a hearing to determine
- 23 whether a minor should be adjudged to be a ward of the court,
- 24 and to determine what order of disposition should be made in
- 25 respect to a minor adjudged to be a ward of the court.
- 26 (7) "Emancipated minor" means any minor 16 years of age or

1 over who has been completely or partially emancipated under the  
2 Emancipation of Minors Act or under this Act.

3 (8) "Guardianship of the person" of a minor means the duty  
4 and authority to act in the best interests of the minor,  
5 subject to residual parental rights and responsibilities, to  
6 make important decisions in matters having a permanent effect  
7 on the life and development of the minor and to be concerned  
8 with his or her general welfare. It includes but is not  
9 necessarily limited to:

10 (a) the authority to consent to marriage, to enlistment  
11 in the armed forces of the United States, or to a major  
12 medical, psychiatric, and surgical treatment; to represent  
13 the minor in legal actions; and to make other decisions of  
14 substantial legal significance concerning the minor;

15 (b) the authority and duty of reasonable visitation,  
16 except to the extent that these have been limited in the  
17 best interests of the minor by court order;

18 (c) the rights and responsibilities of legal custody  
19 except where legal custody has been vested in another  
20 person or agency; and

21 (d) the power to consent to the adoption of the minor,  
22 but only if expressly conferred on the guardian in  
23 accordance with Section 2-29, 3-30, or 4-27.

24 (9) "Legal custody" means the relationship created by an  
25 order of court in the best interests of the minor which imposes  
26 on the custodian the responsibility of physical possession of a

1 minor and the duty to protect, train and discipline him and to  
2 provide him with food, shelter, education and ordinary medical  
3 care, except as these are limited by residual parental rights  
4 and responsibilities and the rights and responsibilities of the  
5 guardian of the person, if any.

6 (9.1) "Mentally capable adult relative" means a person 21  
7 years of age or older who is not suffering from a mental  
8 illness that prevents him or her from providing the care  
9 necessary to safeguard the physical safety and welfare of a  
10 minor who is left in that person's care by the parent or  
11 parents or other person responsible for the minor's welfare.

12 (10) "Minor" means a person under the age of 21 years  
13 subject to this Act.

14 (11) "Parent" means the father or mother of a child and  
15 includes any adoptive parent. It also includes a man (i) whose  
16 paternity is presumed or has been established under the law of  
17 this or another jurisdiction or (ii) who has registered with  
18 the Putative Father Registry in accordance with Section 12.1 of  
19 the Adoption Act and whose paternity has not been ruled out  
20 under the law of this or another jurisdiction. It does not  
21 include a parent whose rights in respect to the minor have been  
22 terminated in any manner provided by law, or any man who has:

23 (a) been convicted or pled nolo contendere to any crime  
24 that resulted in the conception of the child, including,  
25 but not limited to, Sections 11-11, 12-13, 12-14, 12-14.1,  
26 12-15, and 12-16 of the Criminal Code of 1961 or a similar

1 statute in another jurisdiction; or

2 (b) been charged with any of the offenses listed in  
3 subsection (a) of this item (11) or similar offenses in  
4 Illinois or another jurisdiction and the Court finds, by a  
5 preponderance of the evidence, that the acts occurred and  
6 those acts resulted in the conception of the child.

7 (11.1) "Permanency goal" means a goal set by the court as  
8 defined in subdivision (2) of Section 2-28.

9 (11.2) "Permanency hearing" means a hearing to set the  
10 permanency goal and to review and determine (i) the  
11 appropriateness of the services contained in the plan and  
12 whether those services have been provided, (ii) whether  
13 reasonable efforts have been made by all the parties to the  
14 service plan to achieve the goal, and (iii) whether the plan  
15 and goal have been achieved.

16 (12) "Petition" means the petition provided for in Section  
17 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
18 thereunder in Section 3-15, 4-12 or 5-520.

19 (12.1) "Physically capable adult relative" means a person  
20 21 years of age or older who does not have a severe physical  
21 disability or medical condition, or is not suffering from  
22 alcoholism or drug addiction, that prevents him or her from  
23 providing the care necessary to safeguard the physical safety  
24 and welfare of a minor who is left in that person's care by the  
25 parent or parents or other person responsible for the minor's  
26 welfare.

1           (13) "Residual parental rights and responsibilities" means  
2 those rights and responsibilities remaining with the parent  
3 after the transfer of legal custody or guardianship of the  
4 person, including, but not necessarily limited to, the right to  
5 reasonable visitation (which may be limited by the court in the  
6 best interests of the minor as provided in subsection (8) (b) of  
7 this Section), the right to consent to adoption, the right to  
8 determine the minor's religious affiliation, and the  
9 responsibility for his support.

10          (14) "Shelter" means the temporary care of a minor in  
11 physically unrestricting facilities pending court disposition  
12 or execution of court order for placement.

13          (15) "Station adjustment" means the informal handling of an  
14 alleged offender by a juvenile police officer.

15          (16) "Ward of the court" means a minor who is so adjudged  
16 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
17 requisite jurisdictional facts, and thus is subject to the  
18 dispositional powers of the court under this Act.

19          (17) "Juvenile police officer" means a sworn police officer  
20 who has completed a Basic Recruit Training Course, has been  
21 assigned to the position of juvenile police officer by his or  
22 her chief law enforcement officer and has completed the  
23 necessary juvenile officers training as prescribed by the  
24 Illinois Law Enforcement Training Standards Board, or in the  
25 case of a State police officer, juvenile officer training  
26 approved by the Director of the Department of State Police.

1           (18) "Secure child care facility" means any child care  
2 facility licensed by the Department of Children and Family  
3 Services to provide secure living arrangements for children  
4 under 18 years of age who are subject to placement in  
5 facilities under the Children and Family Services Act and who  
6 are not subject to placement in facilities for whom standards  
7 are established by the Department of Corrections under Section  
8 3-15-2 of the Unified Code of Corrections. "Secure child care  
9 facility" also means a facility that is designed and operated  
10 to ensure that all entrances and exits from the facility, a  
11 building, or a distinct part of the building are under the  
12 exclusive control of the staff of the facility, whether or not  
13 the child has the freedom of movement within the perimeter of  
14 the facility, building, or distinct part of the building.

15           (Source: P.A. 95-331, eff. 8-21-07; 96-168, eff. 8-10-09.)

16           Section 10. The Illinois Parentage Act of 1984 is amended  
17 by changing Section 6.5 and by adding Section 4.2 as follows:

18           (750 ILCS 45/4.2 new)

19           Sec. 4.2. Conception as a result of a crime. In any case in  
20 which a child has been conceived as a result of a crime as  
21 defined by Article 11 or 12 of the Criminal Code of 1961 or a  
22 similar statute in another jurisdiction, and the biological  
23 father of the child has:

24           (1) been convicted of or pled nolo contendere to the



1 offense; or

2 (2) been charged with any of the offenses identified in  
3 this Section or similar offenses in Illinois or another  
4 jurisdiction and the Court finds, by a preponderance of the  
5 evidence, that the acts occurred and those acts resulted in  
6 the conception of the child;  
7 then paternity and parental rights shall not be presumed or  
8 granted by any court.

9 (750 ILCS 45/6.5)

10 Sec. 6.5. Custody or visitation by sex offender prohibited.  
11 A person ~~found to be the father of a child under this Act, and~~  
12 who has:

13 (1) been convicted of or ~~who has~~ pled guilty to a  
14 violation of Section 11-11 (sexual relations within  
15 families), Section 12-13 (criminal sexual assault),  
16 Section 12-14 (aggravated criminal sexual assault),  
17 Section 12-14.1 (predatory criminal sexual assault of a  
18 child), Section 12-15 (criminal sexual abuse), or Section  
19 12-16 (aggravated criminal sexual abuse) of the Criminal  
20 Code of 1961 or a similar statute in Illinois or another  
21 jurisdiction for his conduct in fathering that child, or

22 (2) been charged with any offense listed in item (1) or  
23 similar offense in Illinois or another jurisdiction and the  
24 Court finds by a preponderance of the evidence that the  
25 acts occurred and those acts resulted in the conception of

1       that child,  
2 shall not be entitled to custody of or visitation with that  
3 child without the consent of the mother or guardian,~~other than~~  
4 ~~the father of the child who has been convicted of or pled~~  
5 ~~guilty to one of the offenses listed in this Section,~~ or, in  
6 cases where the mother is a minor, the guardian of the mother  
7 of the child. ~~Notwithstanding any other provision of this Act,~~  
8 ~~nothing in this Section shall be construed to relieve the~~  
9 ~~father of any support and maintenance obligations to the child~~  
10 ~~under this Act.~~

11       (Source: P.A. 94-928, eff. 6-26-06.)".