



Rep. Michael J. Zalewski

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LRB097 09026 AJ0 53630 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 Sections 1-3 and 6-9 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 a person who has
23 been or could be determined to be a parent under the Illinois
24 Parentage Act of 1984, or similar parentage law in any other
25 state, who has:

26 (a) been convicted or pled nolo contendere to any crime

1 that resulted in the conception of the child, including,
2 but not limited to, Sections 11-11, 12-13, 12-14, 12-14.1,
3 12-15(a), 12-15(b), and 12-16 of the Criminal Code of 1961
4 or a similar statute in another jurisdiction; or

5 (b) is currently charged with any of the offenses
6 listed in subsection (a) of this item (11) or similar
7 offenses in Illinois or another jurisdiction and the court
8 finds, by clear and convincing evidence, that the acts
9 occurred and those acts resulted in the conception of the
10 child.

11 (11.1) "Permanency goal" means a goal set by the court as
12 defined in subdivision (2) of Section 2-28.

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

20 (12) "Petition" means the petition provided for in Section
21 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
22 thereunder in Section 3-15, 4-12 or 5-520.

23 (12.1) "Physically capable adult relative" means a person
24 21 years of age or older who does not have a severe physical
25 disability or medical condition, or is not suffering from
26 alcoholism or drug addiction, that prevents him or her from

1 providing the care necessary to safeguard the physical safety
2 and welfare of a minor who is left in that person's care by the
3 parent or parents or other person responsible for the minor's
4 welfare.

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

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

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

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

23 (17) "Juvenile police officer" means a sworn police officer
24 who has completed a Basic Recruit Training Course, has been
25 assigned to the position of juvenile police officer by his or
26 her chief law enforcement officer and has completed the

1 necessary juvenile officers training as prescribed by the
2 Illinois Law Enforcement Training Standards Board, or in the
3 case of a State police officer, juvenile officer training
4 approved by the Director of the Department of State Police.

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

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

20 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

21 Sec. 6-9. Enforcement of liability of parents and others.

22 (1) If parentage is at issue in any proceeding under this
23 Act, other than cases involving those exceptions to the
24 definition of parent set out in item (11) in Section 1-3, then
25 the Illinois Parentage Act of 1984 shall apply and the court

1 shall enter orders consistent with that Act. If it appears at
2 any hearing that a parent or any other person named in the
3 petition, liable under the law for the support of the minor, is
4 able to contribute to his or her support, the court shall enter
5 an order requiring that parent or other person to pay the clerk
6 of the court, or to the guardian or custodian appointed under
7 Sections 2-27, 3-28, 4-25 or 5-740, a reasonable sum from time
8 to time for the care, support and necessary special care or
9 treatment, of the minor. If the court determines at any hearing
10 that a parent or any other person named in the petition, liable
11 under the law for the support of the minor, is able to
12 contribute to help defray the costs associated with the minor's
13 detention in a county or regional detention center, the court
14 shall enter an order requiring that parent or other person to
15 pay the clerk of the court a reasonable sum for the care and
16 support of the minor. The court may require reasonable security
17 for the payments. Upon failure to pay, the court may enforce
18 obedience to the order by a proceeding as for contempt of
19 court.

20 If it appears that the person liable for the support of the
21 minor is able to contribute to legal fees for representation of
22 the minor, the court shall enter an order requiring that person
23 to pay a reasonable sum for the representation, to the attorney
24 providing the representation or to the clerk of the court for
25 deposit in the appropriate account or fund. The sum may be paid
26 as the court directs, and the payment thereof secured and

1 enforced as provided in this Section for support.

2 If it appears at the detention or shelter care hearing of a
3 minor before the court under Section 5-501 that a parent or any
4 other person liable for support of the minor is able to
5 contribute to his or her support, that parent or other person
6 shall be required to pay a fee for room and board at a rate not
7 to exceed \$10 per day established, with the concurrence of the
8 chief judge of the judicial circuit, by the county board of the
9 county in which the minor is detained unless the court
10 determines that it is in the best interest and welfare of the
11 minor to waive the fee. The concurrence of the chief judge
12 shall be in the form of an administrative order. Each week, on
13 a day designated by the clerk of the circuit court, that parent
14 or other person shall pay the clerk for the minor's room and
15 board. All fees for room and board collected by the circuit
16 court clerk shall be disbursed into the separate county fund
17 under Section 6-7.

18 Upon application, the court shall waive liability for
19 support or legal fees under this Section if the parent or other
20 person establishes that he or she is indigent and unable to pay
21 the incurred liability, and the court may reduce or waive
22 liability if the parent or other person establishes
23 circumstances showing that full payment of support or legal
24 fees would result in financial hardship to the person or his or
25 her family.

26 (2) When a person so ordered to pay for the care and

1 support of a minor is employed for wages, salary or commission,
2 the court may order him to make the support payments for which
3 he is liable under this Act out of his wages, salary or
4 commission and to assign so much thereof as will pay the
5 support. The court may also order him to make discovery to the
6 court as to his place of employment and the amounts earned by
7 him. Upon his failure to obey the orders of court he may be
8 punished as for contempt of court.

9 (3) If the minor is a recipient of public aid under the
10 Illinois Public Aid Code, the court shall order that payments
11 made by a parent or through assignment of his wages, salary or
12 commission be made directly to (a) the Department of Healthcare
13 and Family Services if the minor is a recipient of aid under
14 Article V of the Code, (b) the Department of Human Services if
15 the minor is a recipient of aid under Article IV of the Code,
16 or (c) the local governmental unit responsible for the support
17 of the minor if he is a recipient under Articles VI or VII of
18 the Code. The order shall permit the Department of Healthcare
19 and Family Services, the Department of Human Services, or the
20 local governmental unit, as the case may be, to direct that
21 subsequent payments be made directly to the guardian or
22 custodian of the minor, or to some other person or agency in
23 the minor's behalf, upon removal of the minor from the public
24 aid rolls; and upon such direction and removal of the minor
25 from the public aid rolls, the Department of Healthcare and
26 Family Services, Department of Human Services, or local

1 governmental unit, as the case requires, shall give written
2 notice of such action to the court. Payments received by the
3 Department of Healthcare and Family Services, Department of
4 Human Services, or local governmental unit are to be covered,
5 respectively, into the General Revenue Fund of the State
6 Treasury or General Assistance Fund of the governmental unit,
7 as provided in Section 10-19 of the Illinois Public Aid Code.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 Section 10. The Illinois Parentage Act of 1984 is amended
10 by changing Section 6.5 as follows:

11 (750 ILCS 45/6.5)

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

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

24 (2) is currently charged with any offense listed in

1 item (1) or similar offense in Illinois or another
2 jurisdiction and the court finds by clear and convincing
3 evidence that the acts occurred and those acts resulted in
4 the conception of that child,
5 shall not be entitled to custody of or visitation with that
6 child without the consent of the mother or guardian, unless the
7 guardian of the child is ~~other than~~ the father of the child who
8 has been convicted of or pled guilty or nolo contendere to one
9 of the offenses listed in this Section, or, in cases where the
10 mother is a minor, the guardian of the mother of the child,
11 unless the guardian of the mother is the father of the child
12 who has been convicted or pled guilty or nolo contendere to one
13 of the offenses listed in this Section. Notwithstanding any
14 other provision of this Act, nothing in this Section shall be
15 construed to relieve the father of any support and maintenance
16 obligations to the child under this Act.

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

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