



Rep. Michael J. Zalewski

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09700HB3005ham004

LRB097 09026 AJO 54233 a

1 AMENDMENT TO HOUSE BILL 3005

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3005, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by  
6 changing Sections 1-3 and 6-9 as follows:

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

11 (1) "Adjudicatory hearing" means a hearing to determine  
12 whether the allegations of a petition under Section 2-13, 3-15  
13 or 4-12 that a minor under 18 years of age is abused, neglected  
14 or dependent, or requires authoritative intervention, or  
15 addicted, respectively, are supported by a preponderance of the  
16 evidence or whether the allegations of a petition under Section

1 5-520 that a minor is delinquent are proved beyond a reasonable  
2 doubt.

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

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

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

12 (4.05) Whenever a "best interest" determination is  
13 required, the following factors shall be considered in the  
14 context of the child's age and developmental needs:

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

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

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

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

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

25 (ii) the child's sense of security;

26 (iii) the child's sense of familiarity;

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

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

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

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

15 (c) the rights and responsibilities of legal custody  
16 except where legal custody has been vested in another  
17 person or agency; and

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

21 (9) "Legal custody" means the relationship created by an  
22 order of court in the best interests of the minor which imposes  
23 on the custodian the responsibility of physical possession of a  
24 minor and the duty to protect, train and discipline him and to  
25 provide him with food, shelter, education and ordinary medical  
26 care, except as these are limited by residual parental rights

1 and responsibilities and the rights and responsibilities of the  
2 guardian of the person, if any.

3 (9.1) "Mentally capable adult relative" means a person 21  
4 years of age or older who is not suffering from a mental  
5 illness that prevents him or her from providing the care  
6 necessary to safeguard the physical safety and welfare of a  
7 minor who is left in that person's care by the parent or  
8 parents or other person responsible for the minor's welfare.

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

11 (11) "Parent" means the father or mother of a child and  
12 includes any adoptive parent. It also includes a man (i) whose  
13 paternity is presumed or has been established under the law of  
14 this or another jurisdiction or (ii) who has registered with  
15 the Putative Father Registry in accordance with Section 12.1 of  
16 the Adoption Act and whose paternity has not been ruled out  
17 under the law of this or another jurisdiction. It does not  
18 include a parent whose rights in respect to the minor have been  
19 terminated in any manner provided by law or a person who has  
20 been or could be determined to be a parent under the Illinois  
21 Parentage Act of 1984, or similar parentage law in any other  
22 state, 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 and 12-16 and subsections (a) and (b) (but not subsection

1       (c) of Section 12-15 of the Criminal Code of 1961 or a  
2       similar statute in another jurisdiction; or

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

9       (11.1) "Permanency goal" means a goal set by the court as  
10      defined in subdivision (2) of Section 2-28.

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

18      (12) "Petition" means the petition provided for in Section  
19      2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
20      thereunder in Section 3-15, 4-12 or 5-520.

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

1 parent or parents or other person responsible for the minor's  
2 welfare.

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

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

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

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

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

1 case of a State police officer, juvenile officer training  
2 approved by the Director of the Department of State Police.

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

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

18 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

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

20 (1) If parentage is at issue in any proceeding under this  
21 Act, other than cases involving those exceptions to the  
22 definition of parent set out in item (11) in Section 1-3, then  
23 the Illinois Parentage Act of 1984 shall apply and the court  
24 shall enter orders consistent with that Act. If it appears at  
25 any hearing that a parent or any other person named in the



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

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

26 If it appears at the detention or shelter care hearing of a

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

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

24 (2) When a person so ordered to pay for the care and  
25 support of a minor is employed for wages, salary or commission,  
26 the court may order him to make the support payments for which

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

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

1 Department of Healthcare and Family Services, Department of  
2 Human Services, or local governmental unit are to be covered,  
3 respectively, into the General Revenue Fund of the State  
4 Treasury or General Assistance Fund of the governmental unit,  
5 as provided in Section 10-19 of the Illinois Public Aid Code.

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

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

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 or nolo  
14 contendre to a violation of Section 11-11 (sexual relations  
15 within 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) is currently charged with any offense listed in  
23 item (1) or similar offense in Illinois or another  
24 jurisdiction and the court finds by clear and convincing

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

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

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