

AN ACT concerning courts.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-4a as follows:

(705 ILCS 405/2-4a)

Sec. 2-4a. Special immigrant minor.

(a) The court has jurisdiction to make the findings necessary to enable a minor ~~Except as otherwise provided in this Act, a special immigrant minor under 18 years of age who has been adjudicated~~ ~~made~~ a ward of the court to petition the United States Citizenship and Immigration Services for classification as a special immigrant juvenile under 8 U.S.C. 1101(a)(27)(J). A minor for whom the court finds under subsection (b) shall ~~may be deemed eligible by the court for long term foster care due to abuse, neglect, or abandonment and remain under the jurisdiction of the juvenile court until his or her special immigrant juvenile petition is filed with the United States Citizenship and Immigration Services, or its successor agency~~ ~~status and adjustment of status applications are adjudicated. The petition filed on behalf of the special immigrant minor must allege that he or she otherwise satisfies the prerequisites for special immigrant juvenile status~~

~~pursuant to 8 U.S.C. Section 1101(a)(27)(J) and must state the custodial status sought on behalf of the minor.~~

(b) If a motion requests findings regarding Special Immigrant Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and the evidence, which may consist solely of, but is not limited to, a declaration of the minor, supports the findings, the court shall issue an order that includes ~~For the purposes of this Section, a juvenile court may make a finding that a special immigrant minor is eligible for long term foster care if the court makes the following findings:~~

(1) (A) the minor is declared a dependent of the court; or (B) the minor is legally committed to, or placed under the custody of, a State agency or department, or an individual or entity appointed by the court; and ~~That a reasonable diligent search for biological parents, prior adoptive parents, or prior legal guardians has been conducted; and~~

(2) that reunification of the minor with one or both of the minor's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and ~~That reunification with the minor's biological parents or prior adoptive parents is not a viable option.~~

(3) that it is not in the best interest of the minor to be returned to the minor's or parent's previous country of nationality or last habitual residence.

(c) In ~~For the purposes of this Section:~~

(1) The term "abandonment" means, but is not limited to, the failure of a parent or legal guardian to maintain a reasonable degree of interest, concern, or responsibility for the welfare of his or her minor child or ward.

(2) (Blank). ~~The term "special immigrant minor" means an immigrant minor who (i) is present in the United States and has been made a ward of the court and (ii) for whom it has been determined by the juvenile court or in an administrative or judicial proceeding that it would not be in his or her best interests to be returned to his or her previous country of nationality or country of last habitual residence.~~

(d) (Blank). ~~This Section does not apply to a minor who applies for special immigrant minor status solely for the purpose of qualifying for financial assistance for himself or herself or for his or her parents, guardian, or custodian.~~

(Source: P.A. 93-145, eff. 7-10-03.)

Section 10. The Illinois Marriage and Dissolution of Marriage Act is amended by adding Section 603.11 as follows:

(750 ILCS 5/603.11 new)

Sec. 603.11. Special immigrant child findings.

(a) For the purpose of making a finding under this Section:

"Abuse" has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic

Violence Act of 1986.

"Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child or when one or both of the child's parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600.

(b) A court of this State that is competent to allocate parenting responsibilities has jurisdiction to make the findings necessary to enable a child, who is the subject of a petition to allocate parenting responsibilities, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a) (27) (J) of Title 8 of the United States Code.

(c) If a motion requests findings regarding Special Immigrant Juvenile Status under Section 1101(a) (27) (J) of Title 8 of the United States Code, and the evidence, which may consist solely of, but is not limited to, a declaration by the child, supports the findings, the court shall issue an order, that includes the following findings:

(1) (A) the child is declared a dependent of the court; or (B) the child is placed under the custody of an

individual or entity appointed by the court; and

(2) that reunification of the child with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and

(3) that it is not in the best interest of the child to be returned to the child's or parent's previous country of nationality or last habitual residence.

(d) In any proceedings in response to a motion that the court make the findings necessary to support a petition for classification as a Special Immigrant Juvenile, information regarding the immigration status of the child, the child's parent, or the child's guardian that is not otherwise protected by State confidentiality laws shall remain confidential and shall be available for inspection only by the court, the child who is the subject of the proceeding, the parties, the attorneys for the parties, the child's counsel, and the child's parent or guardian.

Section 15. The Illinois Parentage Act of 2015 is amended by adding Section 613.5 as follows:

(750 ILCS 46/613.5 new)

Sec. 613.5. Special immigrant child findings.

(a) For the purpose of making a finding under this Section:

"Abuse" has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic

Violence Act of 1986.

"Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child or when one or both of the child's parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600 of the Illinois Marriage and Dissolution of Marriage Act.

(b) A court of this State that is competent to adjudicate parentage has jurisdiction to make the findings necessary to enable a child, who is the subject of a proceeding to adjudicate parentage, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code.

(c) If a motion requests findings regarding Special Immigrant Juvenile Status under Section 1101(a)(27)(J) of Title 8 of the United States Code, and the evidence, which may consist solely of, but is not limited to, a declaration by the child, supports the findings, the court shall issue an order, that includes the following findings:

(1) (A) the child is declared a dependent of the court;

or (B) the child is placed under the custody of an individual or entity appointed by the court; and

(2) that reunification of the child with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and

(3) that it is not in the best interest of the child to be returned to the child's or parent's previous country of nationality or last habitual residence.

(d) In any proceedings in response to a motion that the court make the findings necessary to support a petition for classification as a Special Immigrant Juvenile, information regarding the immigration status of the child, the child's parent, or the child's guardian that is not otherwise protected by State confidentiality laws shall remain confidential and shall be available for inspection only by the court, the child who is the subject of the proceeding, the parties, the attorneys for the parties, the child's counsel, and the child's parent or guardian.

Section 20. The Adoption Act is amended by adding Section 17.01 as follows:

(750 ILCS 50/17.01 new)

Sec. 17.01. Special immigrant child findings.

(a) For the purpose of making a finding under this Section:

"Abuse" has the meaning ascribed to that term in

subsection (1) of Section 103 of the Illinois Domestic Violence Act of 1986.

"Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child or when one or both of the child's parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600 of the Illinois Marriage and Dissolution of Marriage Act.

(b) A court of this State that is competent to adjudicate adoption petitions has jurisdiction to make the findings necessary to enable a child, who is the subject of a pending adoption petition, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code.

(c) If a motion requests findings regarding Special Immigrant Juvenile Status under Section 1101(a)(27)(J) of Title 8 of the United States Code, and the evidence, which may consist solely of, but is not limited to, a declaration by the child, supports the findings, the court shall issue an order, that includes the following findings:

(1) (A) the child is declared a dependent of the court; or (B) the child is legally committed to, or placed under the custody of, a State agency or department or an individual or entity appointed by the court; and

(2) that reunification of the child with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and

(3) that it is not in the best interest of the child to be returned to the child's or parent's previous country of nationality or last habitual residence.

Section 25. The Illinois Domestic Violence Act of 1986 is amended by adding Section 214.5 as follows:

(750 ILCS 60/214.5 new)

Sec. 214.5. Special immigrant child findings.

(a) For the purpose of making a finding under this Section:

"Abuse" has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic Violence Act of 1986.

"Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child or when one or both of the child's parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in

paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600 of the Illinois Marriage and Dissolution of Marriage Act.

(b) A court of this State that is competent to issue an order of protection has jurisdiction to make the findings necessary to enable a child, who is a subject of or a minor child included in a petition for an order of protection, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code.

(c) If a motion requests findings regarding Special Immigrant Juvenile Status under Section 1101(a)(27)(J) of Title 8 of the United States Code, and the evidence, which may consist solely of, but is not limited to, a declaration by the child, supports the findings, the court shall issue an order, that includes the following findings:

(1) (A) the child is declared a dependent of the court; or (B) the child is legally committed to, or placed under the custody of, a State agency or department or an individual or entity appointed by the court; and

(2) that reunification of the child with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and

(3) that it is not in the best interest of the child to be returned to the child's or parent's previous country of nationality or last habitual residence.

(d) In any proceedings in response to a motion that the court make the findings necessary to support a petition for classification as a Special Immigrant Juvenile, information regarding the immigration status of the child, the child's parent, or the child's guardian that is not otherwise protected by State confidentiality laws shall remain confidential and shall be available for inspection only by the court, the child who is the subject of the proceeding, the parties, the attorneys for the parties, the child's counsel, and the child's parent or guardian.

Section 30. The Probate Act of 1975 is amended by adding Section 11-5.5 as follows:

(755 ILCS 5/11-5.5 new)

Sec. 11-5.5. Special immigrant minor findings.

(a) For the purpose of making a finding under this Section:

"Abuse" has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic Violence Act of 1986.

"Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the

minor or when one or both of the minor's parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600 of the Illinois Marriage and Dissolution of Marriage Act.

(b) A court of this State that is competent to adjudicate a petition for guardianship has jurisdiction to make the findings necessary to enable a minor, who is the subject of a petition for guardianship, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code.

(c) If a motion requests findings regarding Special Immigrant Juvenile Status under Section 1101(a)(27)(J) of Title 8 of the United States Code, and the evidence, which may consist solely of, but is not limited to, a declaration by the minor, supports the findings, the court shall issue an order, that includes the following findings:

(1) (A) the minor is declared a dependent of the court; or (B) the minor is legally committed to, or placed under the custody of, a State agency or department or an individual or entity appointed by the court; and

(2) that reunification of the minor with one or both of

the minor's parents is not viable due to abuse, neglect, abandonment, or other similar basis; and

(3) that it is not in the best interest of the minor to be returned to the minor's or parent's previous country of nationality or last habitual residence.

(d) In any proceedings in response to a motion that the court make the findings necessary to support a petition for classification as a Special Immigrant Juvenile, information regarding the immigration status of the minor, the minor's parent, or the minor's guardian that is not otherwise protected by State confidentiality laws shall remain confidential and shall be available for inspection only by the court, the minor who is the subject of the proceeding, the parties, the attorneys for the parties, the minor's counsel, and the minor's parent or guardian.