

AN ACT concerning courts.

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

Section 1. Short title. This Act may be cited as the Dependency Determinations for Unaccompanied Children Act.

Section 5. Legislative findings and purpose. The General Assembly finds and declares that:

(1) State courts have a traditional and vital role in making determinations regarding the protection, custody, and care of children within the State; and

(2) it is therefore necessary to clarify the jurisdiction of Illinois courts to issue such determinations when the child is in the custody of the federal Office of Refugee Resettlement.

Section 10. Definitions. As used in this Act:

"Abuse" includes the meaning ascribed to the term in Section 103 of the Illinois Domestic Violence Act of 1986 and in Section 2-3 of the Juvenile Court Act of 1987.

"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 and includes the definition of dependency in Section 2-4 of the Juvenile Court of 1987.

"Dependent on the court" means a child is under the jurisdiction of a "juvenile court" as defined in this Section's jurisdiction; the child was adjudicated at any time by a court acting under this Act's authority as abused, neglected, or abandoned as defined in this Act, and the child is in need of oversight and supportive services as determined by the court.

"Juvenile court" means a court located in the United States that has jurisdiction under state law to make judicial determinations concerning the custody, guardianship, abuse, neglect, dependency, or protection of a juvenile and is authorized to issue orders, make factual findings and determinations concerning such matters as parental reunification, best interest of minors, including such findings necessary to enable a child who files a petition under this Act to petition the United States Citizenship and Immigration Services.

"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.

"Unaccompanied child" means a person under 18 years of age who meets the definition in Section 279(g) (2) of Title 6 of the

United States Code, including any child who lacks a parent or legal guardian in the United States available to provide care and physical custody and who is in the custody of the federal Office of Refugee Resettlement.

Section 15. Jurisdiction and venue.

(a) Proceedings may be instituted under this Act for unaccompanied children in the custody of the federal Office of Refugee Resettlement who are alleged to be abused, neglected, or abandoned as defined in this Act. In making determinations under this Act, the court shall be acting as a juvenile court.

(b) A proceeding under this Act may be commenced in any county in this State.

Section 20. Petition.

(a) An unaccompanied child in the custody of the federal Office of Refugee Resettlement housed in Illinois who is alleged to have been abused, neglected, or abandoned by one or both parents may file a petition seeking a finding of dependency upon the court under this Act.

(b) The petition must:

(1) set forth the facts that bring the child under the court's jurisdiction under this Act;

(2) state the child's name, age, and country of birth;

(3) identify the facility in Illinois where the child is housed in the custody of the federal Office of Refugee

Resettlement;

(4) set forth facts alleging that reunification of the child with one or both of the child's parents is not viable because of abuse, neglect, abandonment, or another similar basis; and

(5) set forth facts alleging 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.

(c) Statements in the petition may be made upon information and belief.

(d) The petition may not name the child's parent as a respondent.

(e) The petition must clearly state that parental rights may not be terminated through proceedings under this Act.

Section 25. Hearing and disposition.

(a) The court shall conduct a hearing within 35 days after the petition is filed, unless a motion is made for an earlier date because the child is approaching 18 years of age or other emergent circumstances exist; in which case, the court shall schedule and conduct the hearing as soon as reasonably possible before the child's eighteenth birthday or to address the emergent circumstances no later than 7 days after the motion is filed alleging emergent circumstances.

(b) If the court finds the statements in the petition are

supported by a preponderance of the evidence, which may consist solely of, but is not limited to, a declaration by the child, the court shall issue an order that includes the following findings:

(1) the child is declared a dependent on the court;

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

(3) 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.

(c) A child declared dependent on the court is eligible for oversight and services as ordered by the court and may be referred for psychological, educational, medical, or social services deemed necessary as a result of parental abuse, abandonment, or neglect or for protection against trafficking or domestic violence. Participation in any referred services is voluntary.

(d) The court may retain jurisdiction over the child until the child reaches 18 years of age or until further order of the court.

(e) Nothing in this Act is intended to modify, alter, or otherwise amend existing law related to the physical custody or placement of an unaccompanied child, and findings made under this Act shall not be used in any manner that is inconsistent with existing law relating to the physical

custody or placement of a minor child.

Section 30. Fees. No fees may be required of any child who files a petition under this Act.

Section 35. Guardian ad litem. If a child is represented by an attorney, a proceeding under this Act may proceed without the appointment of a guardian ad litem for the child.

Section 40. Confidentiality. All court proceedings and documents under this Act are confidential, must be sealed, and may not be made available to the public.

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