



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4890

by Rep. Lilian Jiménez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Dependency Determinations for Unaccompanied Children Act. Creates a process for 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 to file a petition seeking a finding of dependency under the Act. Provides that a child declared dependent 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. Defines terms. Makes legislative findings. Effective immediately.

LRB104 17442 JRC 30868 b

1 AN ACT concerning courts.

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

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

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

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

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

15 Section 10. Definitions. As used in this Act:

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

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

1 be reasonably located and includes the definition of
2 dependency in Section 2-4 of the Juvenile Court of 1987.

3 "Dependency or dependent" means a child is under a
4 juvenile court's jurisdiction; the child was at any time
5 adjudicated abused, neglected, or abandoned as defined in this
6 Act; and the child is in need of oversight and supportive
7 services as determined by the court.

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

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

23 "Unaccompanied child" means a person under 18 years of age
24 who meets the definition in Section 279(g)(2) of Title 6 of the
25 United States Code, including any child who lacks a parent or
26 legal guardian in the United States available to provide care

1 and physical custody and who is in the custody of the federal
2 Office of Refugee Resettlement.

3 Section 15. Jurisdiction and venue.

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

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

11 Section 20. Petition.

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

17 (b) The petition must:

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

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

21 (3) identify the facility in Illinois where the child
22 is housed in the custody of the federal Office of Refugee
23 Resettlement;

24 (4) set forth facts alleging that reunification of the

1 child with one or both of the child's parents is not viable
2 because of abuse, neglect, abandonment, or another similar
3 basis; and

4 (5) set forth facts alleging that it is not in the best
5 interest of the child to be returned to the child's or
6 parent's previous country of nationality or last habitual
7 residence.

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

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

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

14 Section 25. Hearing and disposition.

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

23 (b) If the court finds the statements in the petition are
24 supported by a preponderance of the evidence, which may
25 consist solely of, but is not limited to, a declaration by the

1 child, the court shall issue an order that includes the
2 following findings:

3 (1) the child is declared a dependent;

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

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

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

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

19 (e) Nothing in this Act is intended to modify, alter, or
20 otherwise amend existing law related to the physical custody
21 or placement of an unaccompanied child.

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

24 Section 35. Guardian ad litem. If a child is represented

1 by an attorney, a proceeding under this Act may proceed
2 without the appointment of a guardian ad litem for the child.

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

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