



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### HB3212

by Rep. Litesa E. Wallace - Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/4b	
750 ILCS 30/2	from Ch. 40, par. 2202
750 ILCS 30/4	from Ch. 40, par. 2204
750 ILCS 30/5	from Ch. 40, par. 2205
750 ILCS 30/7	from Ch. 40, par. 2207
750 ILCS 30/9	from Ch. 40, par. 2209
750 ILCS 30/3-2.5 rep.	
750 ILCS 30/3-2.10 rep.	

Amends the Emancipation of Minors Act. Removes language pertaining to homeless minors from provisions governing: purpose and policy; jurisdiction; rights and responsibilities of an emancipated minor; petitions; and hearings. Repeals the definition of "homeless minor" and "youth transitional housing program". Amends the Children and Family Services Act. Provides that services provided by youth transitional housing programs may include a service assessment, individualized case management, and life skills training. Provides that a homeless minor is eligible if certain criteria are met. Provides that if a homeless minor voluntarily leaves or is dismissed from a youth transitional housing program prior to reaching the age of majority, the youth transitional housing program agency shall contact the comprehensive community based youth services agency that provided crisis intervention services to the eligible homeless minor to assist in finding an alternative placement for the minor. Provides that nothing in the new provisions shall be construed to require an eligible homeless minor to acquire the consent of a parent, guardian, or custodian to consent to a youth transitional housing program. Provides that an eligible homeless minor is deemed to have the legal capacity to consent to receiving housing and services from a licensed youth transitional housing program. Contains a statement of purpose.

LRB100 08595 HEP 18728 b

1 AN ACT concerning children.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Section 4b as follows:

6 (20 ILCS 505/4b)

7 Sec. 4b. Youth transitional housing programs.

8 (a) The Department may license youth transitional housing  
9 programs. For the purposes of this Section, "youth transitional  
10 housing program" means a program that provides shelter or  
11 housing and services to eligible homeless minors. Services  
12 provided by the youth transitional housing program may include  
13 a service assessment, individualized case management, and life  
14 skills training ~~who are at least 16 years of age but less than~~  
15 ~~18 years of age and who are granted partial emancipation under~~  
16 ~~the Emancipation of Minors Act.~~ The Department shall adopt  
17 rules governing the licensure of those programs.

18 (b) A homeless minor is eligible if:

19 (1) he or she is at least 16 years of age but less than  
20 18 years of age;

21 (2) the homeless minor lacks a regular, fixed, and  
22 adequate place to live;

23 (3) the homeless minor is living apart from his or her

1 parent or guardian;

2 (4) the homeless minor desires to participate in a  
3 licensed youth transitional housing program;

4 (5) a licensed youth transitional housing program is  
5 able to provide housing and services;

6 (6) the licensed youth transitional housing program  
7 has determined the homeless minor is eligible for the youth  
8 transitional housing program; and

9 (7) either the homeless minor's parent has consented to  
10 the transitional housing program or the minor has consented  
11 after:

12 (A) a comprehensive community based youth service  
13 agency has provided crisis intervention services to  
14 the homeless minor under Section 3-5 of the Mental  
15 Health and Developmental Disabilities Code and the  
16 agency was unable to achieve either family  
17 reunification or an alternate living arrangement;

18 (B) the Department has not filed a petition  
19 alleging that the homeless minor is abused or  
20 neglected; and

21 (C) the youth transitional housing program or  
22 comprehensive community based youth services agency  
23 has made reasonable efforts and documented its  
24 attempts to notify the homeless minor's parent or  
25 guardian of the homeless minor's intent to enter the  
26 youth transitional housing program.

1       (d) If an eligible homeless minor voluntarily leaves or is  
2 dismissed from a youth transitional housing program prior to  
3 reaching the age of majority, the youth transitional housing  
4 program agency shall contact the comprehensive community based  
5 youth services agency that provided crisis intervention  
6 services to the eligible homeless minor under subdivision  
7 (b) (7) (A) of this Section to assist in finding an alternative  
8 placement for the minor. If the eligible homeless minor leaves  
9 the program before beginning services with the comprehensive  
10 community based youth service provider, then the youth  
11 transitional housing program shall notify the local law  
12 enforcement authorities and make reasonable efforts to notify  
13 the minor's parent or guardian that the minor has left the  
14 program.

15       (e) Nothing in this Section shall be construed to require  
16 an eligible homeless minor to acquire the consent of a parent,  
17 guardian, or custodian to consent to a youth transitional  
18 housing program. An eligible homeless minor is deemed to have  
19 the legal capacity to consent to receiving housing and services  
20 from a licensed youth transitional housing program.

21       (f) The purpose of this Section is to provide a means by  
22 which an eligible homeless minor may have the authority to  
23 consent, independent of his or her parents or guardian, to  
24 receive housing and services as described in subsection (a) of  
25 this Section provided by a licensed youth transitional housing  
26 program that has the ability to serve the homeless minor. This

1 Section is not intended to interfere with the integrity of the  
2 family or the rights of parents and their children. This  
3 Section does not limit or exclude any means by which a minor  
4 may become emancipated.

5 (Source: P.A. 93-105, eff. 7-8-03; 93-798, eff. 1-1-05.)

6 Section 10. The Emancipation of Minors Act is amended by  
7 changing Sections 2, 4, 5, 7, and 9 as follows:

8 (750 ILCS 30/2) (from Ch. 40, par. 2202)

9 Sec. 2. Purpose and policy. The purpose of this Act is to  
10 provide a means by which a mature minor who has demonstrated  
11 the ability and capacity to manage his own affairs and to live  
12 wholly or partially independent of his parents or guardian, may  
13 obtain the legal status of an emancipated person with power to  
14 enter into valid legal contracts. ~~This Act is also intended (i)~~  
15 ~~to provide a means by which a homeless minor who is seeking~~  
16 ~~assistance may have the authority to consent, independent of~~  
17 ~~his or her parents or guardian, to receive shelter, housing,~~  
18 ~~and services provided by a licensed agency that has the ability~~  
19 ~~and willingness to serve the homeless minor and (ii) to do so~~  
20 ~~without requiring the delay or difficulty of first holding a~~  
21 ~~hearing.~~

22 This Act is not intended to interfere with the integrity of  
23 the family or the rights of parents and their children. No  
24 order of complete or partial emancipation may be entered under

1 this Act if there is any objection by the minor, his parents or  
2 guardian. ~~No petition may be filed for the partial emancipation~~  
3 ~~of a homeless minor unless appropriate attempts have been made~~  
4 ~~to reunify the homeless minor with his or her family through~~  
5 ~~the services of a Comprehensive Community Based Youth Services~~  
6 ~~Agency.~~ This Act does not limit or exclude any other means  
7 either in statute or case law by which a minor may become  
8 emancipated.

9 (Source: P.A. 93-105, eff. 7-8-03.)

10 (750 ILCS 30/4) (from Ch. 40, par. 2204)

11 Sec. 4. Jurisdiction. The circuit court in the county where  
12 the minor resides, is found, owns property, or in which a court  
13 action affecting the interests of the minor is pending, may,  
14 upon the filing of a petition on behalf of the minor by his  
15 next friend, parent or guardian and after any hearing or notice  
16 to all persons as set forth in Sections 7, 8, and 9 of this Act,  
17 enter a finding that the minor is a mature minor ~~or a homeless~~  
18 ~~minor as defined in this Act~~ and order complete or partial  
19 emancipation of the minor. The court in its order for partial  
20 emancipation may specifically limit the rights and  
21 responsibilities of the minor seeking emancipation. ~~In the case~~  
22 ~~of a homeless minor, the court shall restrict the order of~~  
23 ~~emancipation to allowing the minor to consent to the receipt of~~  
24 ~~transitional services and shelter or housing from a specified~~  
25 ~~youth transitional program and its referral agencies only.~~

1 (Source: P.A. 93-105, eff. 7-8-03.)

2 (750 ILCS 30/5) (from Ch. 40, par. 2205)

3 Sec. 5. Rights and responsibilities of an emancipated  
4 minor.

5 (a) A mature minor ordered emancipated under this Act shall  
6 have the right to enter into valid legal contracts, and shall  
7 have such other rights and responsibilities as the court may  
8 order that are not inconsistent with the specific age  
9 requirements of the State or federal constitution or any State  
10 or federal law.

11 (b) A mature minor ~~or homeless minor~~ who is partially  
12 emancipated under this Act shall have only those rights and  
13 responsibilities specified in the order of the court.

14 (Source: P.A. 93-105, eff. 7-8-03.)

15 (750 ILCS 30/7) (from Ch. 40, par. 2207)

16 Sec. 7. Petition. The petition for emancipation shall be  
17 verified and shall set forth: (1) the age of the minor; (2)  
18 that the minor is a resident of Illinois at the time of the  
19 filing of the petition, or owns real estate in Illinois, or has  
20 an interest or is a party in any case pending in Illinois; (3)  
21 the cause for which the minor seeks to obtain partial or  
22 complete emancipation; (4) the names of the minor's parents,  
23 and the address, if living; (5) the names and addresses of any  
24 guardians or custodians appointed for the minor; (6) that the

1 minor is ~~(i)~~ a mature minor who has demonstrated the ability  
2 and capacity to manage his own affairs ~~or (ii) a homeless minor~~  
3 ~~who is located in this State;~~ and (7) that the minor has lived  
4 wholly or partially independent of his parents or guardian. ~~If~~  
5 ~~the minor seeks emancipation as a homeless minor, the petition~~  
6 ~~shall also set forth the name of the youth transitional housing~~  
7 ~~program that is willing and able to provide services and~~  
8 ~~shelter or housing to the minor, the address of the program,~~  
9 ~~and the name and phone number of the contact person at the~~  
10 ~~program. The petition shall also briefly assert the reason that~~  
11 ~~the services and shelter or housing to be offered are~~  
12 ~~appropriate and necessary for the well-being of the homeless~~  
13 ~~minor.~~

14 (Source: P.A. 93-105, eff. 7-8-03.)

15 (750 ILCS 30/9) (from Ch. 40, par. 2209)

16 Sec. 9. Hearing on petition.

17 (a) Mature minor. Before proceeding to a hearing on the  
18 petition for emancipation of a mature minor the court shall  
19 advise all persons present of the nature of the proceedings,  
20 and their rights and responsibilities if an order of  
21 emancipation should be entered.

22 If, after the hearing, the court determines that the minor  
23 is a mature minor who is of sound mind and has the capacity and  
24 maturity to manage his own affairs including his finances, and  
25 that the best interests of the minor and his family will be



1 promoted by declaring the minor an emancipated minor, the court  
2 shall enter a finding that the minor is an emancipated minor  
3 within the meaning of this Act, or that the mature minor is  
4 partially emancipated with such limitations as the court by  
5 order deems appropriate. No order of complete or partial  
6 emancipation may be entered under this Act if there is any  
7 objection by the minor, his parents or guardian.

8 (b) (Blank). ~~Homeless minor. Upon the verified petition of~~  
9 ~~a homeless minor, the court shall immediately grant partial~~  
10 ~~emancipation for the sole purpose of allowing the homeless~~  
11 ~~minor to consent to the receipt of services and shelter or~~  
12 ~~housing provided by the youth transitional housing program~~  
13 ~~named in the petition and to other services that the youth~~  
14 ~~transitional housing program may arrange by referral. The court~~  
15 ~~may require that a youth transitional housing program employee~~  
16 ~~appear before the court at the time of the filing of the~~  
17 ~~petition and may inquire into the facts asserted in the~~  
18 ~~petition. No other hearing shall be scheduled in the case of a~~  
19 ~~petition affecting a homeless minor, unless, after notice, a~~  
20 ~~parent or guardian requests such a hearing. If such a hearing~~  
21 ~~is requested, then the homeless minor must be present at the~~  
22 ~~hearing. After the granting of partial emancipation to a~~  
23 ~~homeless youth, if the youth transitional housing program~~  
24 ~~determines that its facility and services are no longer~~  
25 ~~appropriate for the minor or that another program is more~~  
26 ~~appropriate for the minor, the program shall notify the court~~

1 ~~and the court, after a hearing, may modify its order.~~

2 (Source: P.A. 93-105, eff. 7-8-03.)

3 (750 ILCS 30/3-2.5 rep.)

4 (750 ILCS 30/3-2.10 rep.)

5 Section 15. The Emancipation of Minors Act is amended by  
6 repealing Sections 3-2.5 and 3-2.10.