

1 AN ACT in relation to minors.

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

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

6 (705 ILCS 405/2-4a new)

7 Sec. 2-4a. Special immigrant minor.

8 (a) Except as otherwise provided in this Act, a special
9 immigrant minor under 18 years of age who has been made a
10 ward of the court may be deemed eligible by the court for
11 long-term foster care due to abuse, neglect, or abandonment
12 and remain under the jurisdiction of the juvenile court until
13 his or her special immigrant juvenile status and adjustment
14 of status applications are adjudicated. The petition filed
15 on behalf of the special immigrant minor must allege that he
16 or she otherwise satisfies the prerequisites for special
17 immigrant juvenile status pursuant to 8 U.S.C. Section
18 1101(a)(27)(J) and must state the custodial status sought on
19 behalf of the minor.

20 (b) For the purposes of this Section, a juvenile court
21 may make a finding that a special immigrant minor is eligible
22 for long term foster care if the court makes the following
23 findings:

24 (1) That a reasonable diligent search for
25 biological parents, prior adoptive parents, or prior
26 legal guardians has been conducted; and

27 (2) That reunification with the minor's biological
28 parents or prior adoptive parents is not a viable option.

29 (c) For the purposes of this Section:

30 (1) The term "abandonment" means the failure of a
31 parent or legal guardian to maintain a reasonable degree

1 of interest, concern, or responsibility for the welfare
2 of his or her minor child or ward.

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

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

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