

1 AN ACT in relation to children.

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 changing Section 1-3 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless
8 the context otherwise requires, have the following meanings
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine
11 whether the allegations of a petition under Section 2-13,
12 3-15 or 4-12 that a minor under 18 years of age is abused,
13 neglected or dependent, or requires authoritative
14 intervention, or addicted, respectively, are supported by a
15 preponderance of the evidence or whether the allegations of a
16 petition under Section 5-520 that a minor is delinquent are
17 proved beyond a reasonable doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care
20 facility legally authorized or licensed by this State for
21 placement or institutional care or for both placement and
22 institutional care.

23 (4) "Association" means any organization, public or
24 private, engaged in welfare functions which include services
25 to or on behalf of children but does not include "agency" as
26 herein defined.

27 (4.05) Whenever a "best interest" determination is
28 required, the following factors shall be considered in the
29 context of the child's age and developmental needs:

30 (a) the physical safety and welfare of the child,
31 including food, shelter, health, and clothing;

- 1 (b) the development of the child's identity;
- 2 (c) the child's background and ties, including familial,
- 3 cultural, and religious;
- 4 (d) the child's sense of attachments, including:
 - 5 (i) where the child actually feels love,
 - 6 attachment, and a sense of being valued (as opposed to
 - 7 where adults believe the child should feel such love,
 - 8 attachment, and a sense of being valued);
 - 9 (ii) the child's sense of security;
 - 10 (iii) the child's sense of familiarity;
 - 11 (iv) continuity of affection for the child;
 - 12 (v) the least disruptive placement alternative for
 - 13 the child;
 - 14 (e) the child's wishes and long-term goals;
 - 15 (f) the child's community ties, including church,
 - 16 school, and friends;
 - 17 (g) the child's need for permanence which includes the
 - 18 child's need for stability and continuity of relationships
 - 19 with parent figures and with siblings and other relatives;
 - 20 (g-5) the child's need to be adopted by a married
 - 21 couple;
 - 22 (h) the uniqueness of every family and child;
 - 23 (i) the risks attendant to entering and being in
 - 24 substitute care; and
 - 25 (j) the preferences of the persons available to care for
 - 26 the child.
 - 27 (4.1) "Chronic truant" shall have the definition
 - 28 ascribed to it in Section 26-2a of the School Code.
 - 29 (5) "Court" means the circuit court in a session or
 - 30 division assigned to hear proceedings under this Act.
 - 31 (6) "Dispositional hearing" means a hearing to determine
 - 32 whether a minor should be adjudged to be a ward of the court,
 - 33 and to determine what order of disposition should be made in
 - 34 respect to a minor adjudged to be a ward of the court.

1 (7) "Emancipated minor" means any minor 16 years of age
2 or over who has been completely or partially emancipated
3 under the "Emancipation of Mature Minors Act", enacted by the
4 Eighty-First General Assembly, or under this Act.

5 (8) "Guardianship of the person" of a minor means the
6 duty and authority to act in the best interests of the minor,
7 subject to residual parental rights and responsibilities, to
8 make important decisions in matters having a permanent effect
9 on the life and development of the minor and to be concerned
10 with his or her general welfare. It includes but is not
11 necessarily limited to:

12 (a) the authority to consent to marriage, to
13 enlistment in the armed forces of the United States, or
14 to a major medical, psychiatric, and surgical treatment;
15 to represent the minor in legal actions; and to make
16 other decisions of substantial legal significance
17 concerning the minor;

18 (b) the authority and duty of reasonable
19 visitation, except to the extent that these have been
20 limited in the best interests of the minor by court
21 order;

22 (c) the rights and responsibilities of legal
23 custody except where legal custody has been vested in
24 another person or agency; and

25 (d) the power to consent to the adoption of the
26 minor, but only if expressly conferred on the guardian in
27 accordance with Section 2-29, 3-30, or 4-27.

28 (9) "Legal custody" means the relationship created by an
29 order of court in the best interests of the minor which
30 imposes on the custodian the responsibility of physical
31 possession of a minor and the duty to protect, train and
32 discipline him and to provide him with food, shelter,
33 education and ordinary medical care, except as these are
34 limited by residual parental rights and responsibilities and

1 the rights and responsibilities of the guardian of the
2 person, if any.

3 (10) "Minor" means a person under the age of 21 years
4 subject to this Act.

5 (11) "Parent" means the father or mother of a child and
6 includes any adoptive parent. It also includes a man (i)
7 whose paternity is presumed or has been established under the
8 law of this or another jurisdiction or (ii) who has
9 registered with the Putative Father Registry in accordance
10 with Section 12.1 of the Adoption Act and whose paternity has
11 not been ruled out under the law of this or another
12 jurisdiction. It does not include a parent whose rights in
13 respect to the minor have been terminated in any manner
14 provided by law.

15 (11.1) "Permanency goal" means a goal set by the court
16 as defined in subdivision (2) of Section 2-28.

17 (11.2) "Permanency hearing" means a hearing to set the
18 permanency goal and to review and determine (i) the
19 appropriateness of the services contained in the plan and
20 whether those services have been provided, (ii) whether
21 reasonable efforts have been made by all the parties to the
22 service plan to achieve the goal, and (iii) whether the plan
23 and goal have been achieved.

24 (12) "Petition" means the petition provided for in
25 Section 2-13, 3-15, 4-12 or 5-520, including any supplemental
26 petitions thereunder in Section 3-15, 4-12 or 5-520.

27 (13) "Residual parental rights and responsibilities"
28 means those rights and responsibilities remaining with the
29 parent after the transfer of legal custody or guardianship of
30 the person, including, but not necessarily limited to, the
31 right to reasonable visitation (which may be limited by the
32 court in the best interests of the minor as provided in
33 subsection (8)(b) of this Section), the right to consent to
34 adoption, the right to determine the minor's religious

1 affiliation, and the responsibility for his support.

2 (14) "Shelter" means the temporary care of a minor in
3 physically unrestricting facilities pending court disposition
4 or execution of court order for placement.

5 (15) "Station adjustment" means the informal handling
6 of an alleged offender by a juvenile police officer.

7 (16) "Ward of the court" means a minor who is so
8 adjudged under Section 2-22, 3-23, 4-20 or 5-705, after a
9 finding of the requisite jurisdictional facts, and thus is
10 subject to the dispositional powers of the court under this
11 Act.

12 (17) "Juvenile police officer" means a sworn police
13 officer who has completed a Basic Recruit Training Course,
14 has been assigned to the position of juvenile police officer
15 by his or her chief law enforcement officer and has completed
16 the necessary juvenile officers training as prescribed by the
17 Illinois Law Enforcement Training Standards Board, or in the
18 case of a State police officer, juvenile officer training
19 approved by the Director of the Department of State Police.

20 (18) "Secure child care facility" means any child care
21 facility licensed by the Department of Children and Family
22 Services to provide secure living arrangements for children
23 under 18 years of age who are subject to placement in
24 facilities under the Children and Family Services Act and who
25 are not subject to placement in facilities for whom standards
26 are established by the Department of Corrections under
27 Section 3-15-2 of the Unified Code of Corrections. "Secure
28 child care facility" also means a facility that is designed
29 and operated to ensure that all entrances and exits from the
30 facility, a building, or a distinct part of the building are
31 under the exclusive control of the staff of the facility,
32 whether or not the child has the freedom of movement within
33 the perimeter of the facility, building, or distinct part of
34 the building.

1 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,
2 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;
3 91-357, eff. 7-29-99.)