

AN ACT concerning State government.

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

Section 5. The Children and Family Services Act is amended by changing Section 35.8 and by adding Section 35.9 as follows:

(20 ILCS 505/35.8)

Sec. 35.8. Grandparent and great-grandparent visitation rules; review. Not later than 6 months after the effective date of this amendatory Act of the 99th General Assembly, and every 5 years thereafter, the Department shall review the rules on granting visitation privileges to a non-custodial grandparent or great-grandparent of a child who is in the care and custody of the Department.

(Source: P.A. 99-341, eff. 8-11-15.)

(20 ILCS 505/35.9 new)

Sec. 35.9. Visitation privileges; grandparents and great-grandparents.

(a) The Department shall make reasonable efforts and accommodations to provide for visitation privileges to a non-custodial grandparent or great-grandparent of a child who is in the care and custody of the Department. Any visitation privileges provided under this Section shall be separate and

apart from any visitation privileges provided to a parent of the child. The Department shall provide visitation privileges only if doing so is in the child's best interest, taking into consideration the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987 and the following additional factors:

(1) the mental and physical health of the grandparent or great-grandparent;

(2) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities;

(3) any other fact that establishes that the loss of the relationship between the child and the grandparent or great-grandparent is likely to unduly harm the child's mental, physical, or emotional health; and

(4) whether visitation can be structured in a way to minimize the child's exposure to conflicts between adult family members.

(b) Any visitation privileges provided under this Section shall automatically terminate upon the child leaving the care or custody of the Department.

(c) The Department may deny a request for visitation after considering the criteria provided under subsection (a) in addition to any other criteria the Department deems necessary. If the Department determines that a grandparent or great-grandparent is inappropriate to serve as a visitation

resource and denies visitation, the Department shall: (i) document the basis of its determination and maintain the documentation in the child's case file and (ii) inform the grandparent or great-grandparent of his or her right to a clinical review in accordance with Department rules and procedures. The Department may adopt any rules necessary to implement this Section.