



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1791

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-23
705 ILCS 405/2-28

from Ch. 37, par. 802-23
from Ch. 37, par. 802-28

Amends the Juvenile Court Act of 1987. Provides that if, after reviewing the evidence, including evidence provided from the Department of Children and Family Services, the court determines that the minor's current or planned placement is not necessary or appropriate to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting this determination, enter specific findings based on the evidence, enter other orders necessary to protect the health, safety, and best interests of the minor and may direct the Department to implement a recommendation by a clinician, Department, or assigned agency. Provides that if the Department places a minor in a placement under an order, the Department may remove the minor from the placement when a change in circumstances necessitates the removal of the minor to protect the minor's health, safety, and best interest. Provides that if the Department determines a removal of the minor is necessary, the Department shall notify the minor's counsel or guardian ad litem of the planned placement change in writing no later than 10 days prior to the implementation of the Department's determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the minor's counsel or guardian ad litem of the placement change in writing immediately following the implementation of the Department's determination. Effective immediately.

LRB100 05887 SLF 15913 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 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 2-23 and 2-28 as follows:

6 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

7 Sec. 2-23. Kinds of dispositional orders.

8 (1) The following kinds of orders of disposition may be
9 made in respect of wards of the court:

10 (a) A minor under 18 years of age found to be neglected
11 or abused under Section 2-3 or dependent under Section 2-4
12 may be (1) continued in the custody of his or her parents,
13 guardian or legal custodian; (2) placed in accordance with
14 Section 2-27; (3) restored to the custody of the parent,
15 parents, guardian, or legal custodian, provided the court
16 shall order the parent, parents, guardian, or legal
17 custodian to cooperate with the Department of Children and
18 Family Services and comply with the terms of an after-care
19 plan or risk the loss of custody of the child and the
20 possible termination of their parental rights; or (4)
21 ordered partially or completely emancipated in accordance
22 with the provisions of the Emancipation of Minors Act.

23 However, in any case in which a minor is found by the

1 court to be neglected or abused under Section 2-3 of this
2 Act, custody of the minor shall not be restored to any
3 parent, guardian or legal custodian whose acts or omissions
4 or both have been identified, pursuant to subsection (1) of
5 Section 2-21, as forming the basis for the court's finding
6 of abuse or neglect, until such time as a hearing is held
7 on the issue of the best interests of the minor and the
8 fitness of such parent, guardian or legal custodian to care
9 for the minor without endangering the minor's health or
10 safety, and the court enters an order that such parent,
11 guardian or legal custodian is fit to care for the minor.

12 (b) A minor under 18 years of age found to be dependent
13 under Section 2-4 may be (1) placed in accordance with
14 Section 2-27 or (2) ordered partially or completely
15 emancipated in accordance with the provisions of the
16 Emancipation of Minors Act.

17 However, in any case in which a minor is found by the
18 court to be dependent under Section 2-4 of this Act,
19 custody of the minor shall not be restored to any parent,
20 guardian or legal custodian whose acts or omissions or both
21 have been identified, pursuant to subsection (1) of Section
22 2-21, as forming the basis for the court's finding of
23 dependency, until such time as a hearing is held on the
24 issue of the fitness of such parent, guardian or legal
25 custodian to care for the minor without endangering the
26 minor's health or safety, and the court enters an order

1 that such parent, guardian or legal custodian is fit to
2 care for the minor.

3 (b-1) A minor between the ages of 18 and 21 may be
4 placed pursuant to Section 2-27 of this Act if (1) the
5 court has granted a supplemental petition to reinstate
6 wardship of the minor pursuant to subsection (2) of Section
7 2-33, or (2) the court has adjudicated the minor a ward of
8 the court, permitted the minor to return home under an
9 order of protection, and subsequently made a finding that
10 it is in the minor's best interest to vacate the order of
11 protection and commit the minor to the Department of
12 Children and Family Services for care and service.

13 (c) When the court awards guardianship to the
14 Department of Children and Family Services, the court shall
15 order the parents to cooperate with the Department of
16 Children and Family Services, comply with the terms of the
17 service plans, and correct the conditions that require the
18 child to be in care, or risk termination of their parental
19 rights.

20 (2) Any order of disposition may provide for protective
21 supervision under Section 2-24 and may include an order of
22 protection under Section 2-25.

23 Unless the order of disposition expressly so provides, it
24 does not operate to close proceedings on the pending petition,
25 but is subject to modification, not inconsistent with Section
26 2-28, until final closing and discharge of the proceedings

1 under Section 2-31.

2 (3) The court also shall enter any other orders necessary
3 to fulfill the service plan, including, but not limited to, (i)
4 orders requiring parties to cooperate with services, (ii)
5 restraining orders controlling the conduct of any party likely
6 to frustrate the achievement of the goal, and (iii) visiting
7 orders. When the child is placed separately from a sibling, the
8 court shall review the Sibling Contact Support Plan developed
9 under subsection (f) of Section 7.4 of the Children and Family
10 Services Act, if applicable. If the Department has not convened
11 a meeting to develop a Sibling Contact Support Plan, or if the
12 court finds that the existing Plan is not in the child's best
13 interest, the court may enter an order requiring the Department
14 to develop and implement a Sibling Contact Support Plan under
15 subsection (f) of Section 7.4 of the Children and Family
16 Services Act or order mediation. Unless otherwise specifically
17 authorized by law, the court is not empowered under this
18 subsection (3) to order specific placements, specific
19 services, or specific service providers to be included in the
20 plan. If, after receiving evidence, the court determines that
21 the services contained in the plan are not reasonably
22 calculated to facilitate achievement of the permanency goal,
23 the court shall put in writing the factual basis supporting the
24 determination and enter specific findings based on the
25 evidence. The court also shall enter an order for the
26 Department to develop and implement a new service plan or to

1 implement changes to the current service plan consistent with
2 the court's findings. The new service plan shall be filed with
3 the court and served on all parties within 45 days after the
4 date of the order. The court shall continue the matter until
5 the new service plan is filed. ~~Unless otherwise specifically~~
6 ~~authorized by law, the court is not empowered under this~~
7 ~~subsection (3) or under subsection (2) to order specific~~
8 ~~placements, specific services, or specific service providers~~
9 ~~to be included in the plan.~~

10 (3.5) If, after reviewing the evidence, including evidence
11 provided from the Department, the court determines that the
12 minor's current or planned placement is not necessary or
13 appropriate to facilitate achievement of the permanency goal,
14 the court shall put in writing the factual basis supporting
15 this determination, enter specific findings based on the
16 evidence, enter other orders necessary to protect the health,
17 safety, and best interests of the minor and may direct the
18 Department to implement a recommendation by a clinician,
19 Department of Children and Family Services, or assigned agency.
20 If the Department places a minor in a placement under an order
21 made under this subsection (3.5), the Department may remove the
22 minor from the placement when a change in circumstances
23 necessitates the removal of the minor to protect the minor's
24 health, safety, and best interest. If the Department determines
25 a removal of the minor is necessary, the Department shall
26 notify the minor's counsel or guardian ad litem of the planned

1 placement change in writing no later than 10 days prior to the
2 implementation of the Department's determination unless
3 remaining in the placement poses an imminent risk of harm to
4 the minor, in which case the Department shall notify the
5 minor's counsel or guardian ad litem of the placement change in
6 writing immediately following the implementation of the
7 Department's determination.

8 (4) In addition to any other order of disposition, the
9 court may order any minor adjudicated neglected with respect to
10 his or her own injurious behavior to make restitution, in
11 monetary or non-monetary form, under the terms and conditions
12 of Section 5-5-6 of the Unified Code of Corrections, except
13 that the "presentence hearing" referred to therein shall be the
14 dispositional hearing for purposes of this Section. The parent,
15 guardian or legal custodian of the minor may pay some or all of
16 such restitution on the minor's behalf.

17 (5) Any order for disposition where the minor is committed
18 or placed in accordance with Section 2-27 shall provide for the
19 parents or guardian of the estate of such minor to pay to the
20 legal custodian or guardian of the person of the minor such
21 sums as are determined by the custodian or guardian of the
22 person of the minor as necessary for the minor's needs. Such
23 payments may not exceed the maximum amounts provided for by
24 Section 9.1 of the Children and Family Services Act.

25 (6) Whenever the order of disposition requires the minor to
26 attend school or participate in a program of training, the

1 truant officer or designated school official shall regularly
2 report to the court if the minor is a chronic or habitual
3 truant under Section 26-2a of the School Code.

4 (7) The court may terminate the parental rights of a parent
5 at the initial dispositional hearing if all of the conditions
6 in subsection (5) of Section 2-21 are met.

7 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;
8 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

9 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

10 Sec. 2-28. Court review.

11 (1) The court may require any legal custodian or guardian
12 of the person appointed under this Act to report periodically
13 to the court or may cite him into court and require him or his
14 agency, to make a full and accurate report of his or its doings
15 in behalf of the minor. The custodian or guardian, within 10
16 days after such citation, shall make the report, either in
17 writing verified by affidavit or orally under oath in open
18 court, or otherwise as the court directs. Upon the hearing of
19 the report the court may remove the custodian or guardian and
20 appoint another in his stead or restore the minor to the
21 custody of his parents or former guardian or custodian.
22 However, custody of the minor shall not be restored to any
23 parent, guardian or legal custodian in any case in which the
24 minor is found to be neglected or abused under Section 2-3 or
25 dependent under Section 2-4 of this Act, unless the minor can

1 be cared for at home without endangering the minor's health or
2 safety and it is in the best interests of the minor, and if
3 such neglect, abuse, or dependency is found by the court under
4 paragraph (1) of Section 2-21 of this Act to have come about
5 due to the acts or omissions or both of such parent, guardian
6 or legal custodian, until such time as an investigation is made
7 as provided in paragraph (5) and a hearing is held on the issue
8 of the fitness of such parent, guardian or legal custodian to
9 care for the minor and the court enters an order that such
10 parent, guardian or legal custodian is fit to care for the
11 minor.

12 (2) The first permanency hearing shall be conducted by the
13 judge. Subsequent permanency hearings may be heard by a judge
14 or by hearing officers appointed or approved by the court in
15 the manner set forth in Section 2-28.1 of this Act. The initial
16 hearing shall be held (a) within 12 months from the date
17 temporary custody was taken, regardless of whether an
18 adjudication or dispositional hearing has been completed
19 within that time frame, (b) if the parental rights of both
20 parents have been terminated in accordance with the procedure
21 described in subsection (5) of Section 2-21, within 30 days of
22 the order for termination of parental rights and appointment of
23 a guardian with power to consent to adoption, or (c) in
24 accordance with subsection (2) of Section 2-13.1. Subsequent
25 permanency hearings shall be held every 6 months or more
26 frequently if necessary in the court's determination following

1 the initial permanency hearing, in accordance with the
2 standards set forth in this Section, until the court determines
3 that the plan and goal have been achieved. Once the plan and
4 goal have been achieved, if the minor remains in substitute
5 care, the case shall be reviewed at least every 6 months
6 thereafter, subject to the provisions of this Section, unless
7 the minor is placed in the guardianship of a suitable relative
8 or other person and the court determines that further
9 monitoring by the court does not further the health, safety or
10 best interest of the child and that this is a stable permanent
11 placement. The permanency hearings must occur within the time
12 frames set forth in this subsection and may not be delayed in
13 anticipation of a report from any source or due to the agency's
14 failure to timely file its written report (this written report
15 means the one required under the next paragraph and does not
16 mean the service plan also referred to in that paragraph).

17 The public agency that is the custodian or guardian of the
18 minor, or another agency responsible for the minor's care,
19 shall ensure that all parties to the permanency hearings are
20 provided a copy of the most recent service plan prepared within
21 the prior 6 months at least 14 days in advance of the hearing.
22 If not contained in the plan, the agency shall also include a
23 report setting forth (i) any special physical, psychological,
24 educational, medical, emotional, or other needs of the minor or
25 his or her family that are relevant to a permanency or
26 placement determination and (ii) for any minor age 16 or over,

1 a written description of the programs and services that will
2 enable the minor to prepare for independent living. The
3 agency's written report must detail what progress or lack of
4 progress the parent has made in correcting the conditions
5 requiring the child to be in care; whether the child can be
6 returned home without jeopardizing the child's health, safety,
7 and welfare, and if not, what permanency goal is recommended to
8 be in the best interests of the child, and why the other
9 permanency goals are not appropriate. The caseworker must
10 appear and testify at the permanency hearing. If a permanency
11 hearing has not previously been scheduled by the court, the
12 moving party shall move for the setting of a permanency hearing
13 and the entry of an order within the time frames set forth in
14 this subsection.

15 At the permanency hearing, the court shall determine the
16 future status of the child. The court shall set one of the
17 following permanency goals:

18 (A) The minor will be returned home by a specific date
19 within 5 months.

20 (B) The minor will be in short-term care with a
21 continued goal to return home within a period not to exceed
22 one year, where the progress of the parent or parents is
23 substantial giving particular consideration to the age and
24 individual needs of the minor.

25 (B-1) The minor will be in short-term care with a
26 continued goal to return home pending a status hearing.

1 When the court finds that a parent has not made reasonable
2 efforts or reasonable progress to date, the court shall
3 identify what actions the parent and the Department must
4 take in order to justify a finding of reasonable efforts or
5 reasonable progress and shall set a status hearing to be
6 held not earlier than 9 months from the date of
7 adjudication nor later than 11 months from the date of
8 adjudication during which the parent's progress will again
9 be reviewed.

10 (C) The minor will be in substitute care pending court
11 determination on termination of parental rights.

12 (D) Adoption, provided that parental rights have been
13 terminated or relinquished.

14 (E) The guardianship of the minor will be transferred
15 to an individual or couple on a permanent basis provided
16 that goals (A) through (D) have been ruled out.

17 (F) The minor over age 15 will be in substitute care
18 pending independence.

19 (G) The minor will be in substitute care because he or
20 she cannot be provided for in a home environment due to
21 developmental disabilities or mental illness or because he
22 or she is a danger to self or others, provided that goals
23 (A) through (D) have been ruled out.

24 In selecting any permanency goal, the court shall indicate
25 in writing the reasons the goal was selected and why the
26 preceding goals were ruled out. Where the court has selected a

1 permanency goal other than (A), (B), or (B-1), the Department
2 of Children and Family Services shall not provide further
3 reunification services, but shall provide services consistent
4 with the goal selected.

5 (H) Notwithstanding any other provision in this
6 Section, the court may select the goal of continuing foster
7 care as a permanency goal if:

8 (1) The Department of Children and Family Services
9 has custody and guardianship of the minor;

10 (2) The court has ruled out all other permanency
11 goals based on the child's best interest;

12 (3) The court has found compelling reasons, based
13 on written documentation reviewed by the court, to
14 place the minor in continuing foster care. Compelling
15 reasons include:

16 (a) the child does not wish to be adopted or to
17 be placed in the guardianship of his or her
18 relative or foster care placement;

19 (b) the child exhibits an extreme level of need
20 such that the removal of the child from his or her
21 placement would be detrimental to the child; or

22 (c) the child who is the subject of the
23 permanency hearing has existing close and strong
24 bonds with a sibling, and achievement of another
25 permanency goal would substantially interfere with
26 the subject child's sibling relationship, taking

1 into consideration the nature and extent of the
2 relationship, and whether ongoing contact is in
3 the subject child's best interest, including
4 long-term emotional interest, as compared with the
5 legal and emotional benefit of permanence;

6 (4) The child has lived with the relative or foster
7 parent for at least one year; and

8 (5) The relative or foster parent currently caring
9 for the child is willing and capable of providing the
10 child with a stable and permanent environment.

11 The court shall set a permanency goal that is in the best
12 interest of the child. In determining that goal, the court
13 shall consult with the minor in an age-appropriate manner
14 regarding the proposed permanency or transition plan for the
15 minor. The court's determination shall include the following
16 factors:

17 (1) Age of the child.

18 (2) Options available for permanence, including both
19 out-of-State and in-State placement options.

20 (3) Current placement of the child and the intent of
21 the family regarding adoption.

22 (4) Emotional, physical, and mental status or
23 condition of the child.

24 (5) Types of services previously offered and whether or
25 not the services were successful and, if not successful,
26 the reasons the services failed.

1 (6) Availability of services currently needed and
2 whether the services exist.

3 (7) Status of siblings of the minor.

4 The court shall consider (i) the permanency goal contained
5 in the service plan, (ii) the appropriateness of the services
6 contained in the plan and whether those services have been
7 provided, (iii) whether reasonable efforts have been made by
8 all the parties to the service plan to achieve the goal, and
9 (iv) whether the plan and goal have been achieved. All evidence
10 relevant to determining these questions, including oral and
11 written reports, may be admitted and may be relied on to the
12 extent of their probative value.

13 The court shall make findings as to whether, in violation
14 of Section 8.2 of the Abused and Neglected Child Reporting Act,
15 any portion of the service plan compels a child or parent to
16 engage in any activity or refrain from any activity that is not
17 reasonably related to remedying a condition or conditions that
18 gave rise or which could give rise to any finding of child
19 abuse or neglect. The services contained in the service plan
20 shall include services reasonably related to remedy the
21 conditions that gave rise to removal of the child from the home
22 of his or her parents, guardian, or legal custodian or that the
23 court has found must be remedied prior to returning the child
24 home. Any tasks the court requires of the parents, guardian, or
25 legal custodian or child prior to returning the child home,
26 must be reasonably related to remedying a condition or

1 conditions that gave rise to or which could give rise to any
2 finding of child abuse or neglect.

3 If the permanency goal is to return home, the court shall
4 make findings that identify any problems that are causing
5 continued placement of the children away from the home and
6 identify what outcomes would be considered a resolution to
7 these problems. The court shall explain to the parents that
8 these findings are based on the information that the court has
9 at that time and may be revised, should additional evidence be
10 presented to the court.

11 The court shall review the Sibling Contact Support Plan
12 developed or modified under subsection (f) of Section 7.4 of
13 the Children and Family Services Act, if applicable. If the
14 Department has not convened a meeting to develop or modify a
15 Sibling Contact Support Plan, or if the court finds that the
16 existing Plan is not in the child's best interest, the court
17 may enter an order requiring the Department to develop, modify
18 or implement a Sibling Contact Support Plan, or order
19 mediation.

20 If the goal has been achieved, the court shall enter orders
21 that are necessary to conform the minor's legal custody and
22 status to those findings.

23 If, after receiving evidence, the court determines that the
24 services contained in the plan are not reasonably calculated to
25 facilitate achievement of the permanency goal, the court shall
26 put in writing the factual basis supporting the determination

1 and enter specific findings based on the evidence. The court
2 also shall enter an order for the Department to develop and
3 implement a new service plan or to implement changes to the
4 current service plan consistent with the court's findings. The
5 new service plan shall be filed with the court and served on
6 all parties within 45 days of the date of the order. The court
7 shall continue the matter until the new service plan is filed.
8 If, after reviewing the evidence, including evidence provided
9 from the Department, the court determines that the minor's
10 current or planned placement is not necessary or appropriate to
11 facilitate achievement of the permanency goal, the court shall
12 put in writing the factual basis supporting this determination,
13 enter specific findings based on the evidence, enter other
14 orders necessary to protect the health, safety, and best
15 interests of the minor and may direct the Department to
16 implement a recommendation by a clinician, Department, or
17 assigned agency. If the Department places a minor in a
18 placement under an order made under this paragraph, the
19 Department may remove the minor from the placement when a
20 change in circumstances necessitates the removal of the minor
21 to protect the minor's health, safety, and best interest. If
22 the Department determines a removal of the minor is necessary,
23 the Department shall notify the minor's counsel or guardian ad
24 litem of the planned placement change in writing no later than
25 10 days prior to the implementation of the Department's
26 determination unless remaining in the placement poses an

1 imminent risk of harm to the minor, in which case the
2 Department shall notify the minor's counsel or guardian ad
3 litem of the placement change in writing immediately following
4 the implementation of the Department's determination. Unless
5 ~~otherwise specifically authorized by law, the court is not~~
6 ~~empowered under this subsection (2) or under subsection (3) to~~
7 ~~order specific placements, specific services, or specific~~
8 ~~service providers to be included in the plan.~~

9 A guardian or custodian appointed by the court pursuant to
10 this Act shall file updated case plans with the court every 6
11 months.

12 Rights of wards of the court under this Act are enforceable
13 against any public agency by complaints for relief by mandamus
14 filed in any proceedings brought under this Act.

15 (3) Following the permanency hearing, the court shall enter
16 a written order that includes the determinations required under
17 subsection (2) of this Section and sets forth the following:

18 (a) The future status of the minor, including the
19 permanency goal, and any order necessary to conform the
20 minor's legal custody and status to such determination; or

21 (b) If the permanency goal of the minor cannot be
22 achieved immediately, the specific reasons for continuing
23 the minor in the care of the Department of Children and
24 Family Services or other agency for short term placement,
25 and the following determinations:

26 (i) (Blank).

1 (ii) Whether the services required by the court and
2 by any service plan prepared within the prior 6 months
3 have been provided and (A) if so, whether the services
4 were reasonably calculated to facilitate the
5 achievement of the permanency goal or (B) if not
6 provided, why the services were not provided.

7 (iii) Whether the minor's current or planned
8 placement is necessary, and appropriate to the plan and
9 goal, recognizing the right of minors to the least
10 restrictive (most family-like) setting available and
11 in close proximity to the parents' home consistent with
12 the health, safety, best interest and special needs of
13 the minor and, if the minor is placed out-of-State,
14 whether the out-of-State placement continues to be
15 appropriate and consistent with the health, safety,
16 and best interest of the minor.

17 (iv) (Blank).

18 (v) (Blank).

19 (4) The minor or any person interested in the minor may
20 apply to the court for a change in custody of the minor and the
21 appointment of a new custodian or guardian of the person or for
22 the restoration of the minor to the custody of his parents or
23 former guardian or custodian.

24 When return home is not selected as the permanency goal:

25 (a) The Department, the minor, or the current foster
26 parent or relative caregiver seeking private guardianship

1 may file a motion for private guardianship of the minor.
2 Appointment of a guardian under this Section requires
3 approval of the court.

4 (b) The State's Attorney may file a motion to terminate
5 parental rights of any parent who has failed to make
6 reasonable efforts to correct the conditions which led to
7 the removal of the child or reasonable progress toward the
8 return of the child, as defined in subdivision (D)(m) of
9 Section 1 of the Adoption Act or for whom any other
10 unfitness ground for terminating parental rights as
11 defined in subdivision (D) of Section 1 of the Adoption Act
12 exists.

13 When parental rights have been terminated for a minimum
14 of 3 years and the child who is the subject of the
15 permanency hearing is 13 years old or older and is not
16 currently placed in a placement likely to achieve
17 permanency, the Department of Children and Family Services
18 shall make reasonable efforts to locate parents whose
19 rights have been terminated, except when the Court
20 determines that those efforts would be futile or
21 inconsistent with the subject child's best interests. The
22 Department of Children and Family Services shall assess the
23 appropriateness of the parent whose rights have been
24 terminated, and shall, as appropriate, foster and support
25 connections between the parent whose rights have been
26 terminated and the youth. The Department of Children and

1 Family Services shall document its determinations and
2 efforts to foster connections in the child's case plan.

3 Custody of the minor shall not be restored to any parent,
4 guardian or legal custodian in any case in which the minor is
5 found to be neglected or abused under Section 2-3 or dependent
6 under Section 2-4 of this Act, unless the minor can be cared
7 for at home without endangering his or her health or safety and
8 it is in the best interest of the minor, and if such neglect,
9 abuse, or dependency is found by the court under paragraph (1)
10 of Section 2-21 of this Act to have come about due to the acts
11 or omissions or both of such parent, guardian or legal
12 custodian, until such time as an investigation is made as
13 provided in paragraph (5) and a hearing is held on the issue of
14 the health, safety and best interest of the minor and the
15 fitness of such parent, guardian or legal custodian to care for
16 the minor and the court enters an order that such parent,
17 guardian or legal custodian is fit to care for the minor. In
18 the event that the minor has attained 18 years of age and the
19 guardian or custodian petitions the court for an order
20 terminating his guardianship or custody, guardianship or
21 custody shall terminate automatically 30 days after the receipt
22 of the petition unless the court orders otherwise. No legal
23 custodian or guardian of the person may be removed without his
24 consent until given notice and an opportunity to be heard by
25 the court.

26 When the court orders a child restored to the custody of

1 the parent or parents, the court shall order the parent or
2 parents to cooperate with the Department of Children and Family
3 Services and comply with the terms of an after-care plan, or
4 risk the loss of custody of the child and possible termination
5 of their parental rights. The court may also enter an order of
6 protective supervision in accordance with Section 2-24.

7 (5) Whenever a parent, guardian, or legal custodian files a
8 motion for restoration of custody of the minor, and the minor
9 was adjudicated neglected, abused, or dependent as a result of
10 physical abuse, the court shall cause to be made an
11 investigation as to whether the movant has ever been charged
12 with or convicted of any criminal offense which would indicate
13 the likelihood of any further physical abuse to the minor.
14 Evidence of such criminal convictions shall be taken into
15 account in determining whether the minor can be cared for at
16 home without endangering his or her health or safety and
17 fitness of the parent, guardian, or legal custodian.

18 (a) Any agency of this State or any subdivision thereof
19 shall co-operate with the agent of the court in providing
20 any information sought in the investigation.

21 (b) The information derived from the investigation and
22 any conclusions or recommendations derived from the
23 information shall be provided to the parent, guardian, or
24 legal custodian seeking restoration of custody prior to the
25 hearing on fitness and the movant shall have an opportunity
26 at the hearing to refute the information or contest its

1 significance.

2 (c) All information obtained from any investigation
3 shall be confidential as provided in Section 5-150 of this
4 Act.

5 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;
6 98-756, eff. 7-16-14.)

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