

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. Except as authorized by  
6 subsection (3.5) of this Section or authorized by law, the  
7 court is not empowered under this Section to order specific  
8 placements, specific services, or specific service providers  
9 to be included in the service plan. Unless otherwise  
10 specifically authorized by law, the court is not empowered  
11 under this subsection (3) or under subsection (2) to order  
12 specific placements, specific services, or specific service  
13 providers to be included in the plan.

14 (3.5) If, after reviewing the evidence, including evidence  
15 from the Department, the court determines that the minor's  
16 current or planned placement is not necessary or appropriate to  
17 facilitate achievement of the permanency goal, the court shall  
18 put in writing the factual basis supporting its determination  
19 and enter specific findings based on the evidence. If the court  
20 finds that the minor's current or planned placement is not  
21 necessary or appropriate, the court may enter an order  
22 directing the Department to implement a recommendation by the  
23 minor's treating clinician or a clinician contracted by the  
24 Department to evaluate the minor or a recommendation made by  
25 the Department. If the Department places a minor in a placement  
26 under an order entered under this subsection (3.5), the

1 Department has the authority to remove the minor from that  
2 placement when a change in circumstances necessitates the  
3 removal to protect the minor's health, safety, and best  
4 interest. If the Department determines removal is necessary,  
5 the Department shall notify the parties of the planned  
6 placement change in writing no later than 10 days prior to the  
7 implementation of its determination unless remaining in the  
8 placement poses an imminent risk of harm to the minor, in which  
9 case the Department shall notify the parties of the placement  
10 change in writing immediately following the implementation of  
11 its decision. The Department shall notify others of the  
12 decision to change the minor's placement as required by  
13 Department rule.

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

23 (5) Any order for disposition where the minor is committed  
24 or placed in accordance with Section 2-27 shall provide for the  
25 parents or guardian of the estate of such minor to pay to the  
26 legal custodian or guardian of the person of the minor such

1 sums as are determined by the custodian or guardian of the  
2 person of the minor as necessary for the minor's needs. Such  
3 payments may not exceed the maximum amounts provided for by  
4 Section 9.1 of the Children and Family Services Act.

5 (6) Whenever the order of disposition requires the minor to  
6 attend school or participate in a program of training, the  
7 truant officer or designated school official shall regularly  
8 report to the court if the minor is a chronic or habitual  
9 truant under Section 26-2a of the School Code.

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

13 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;  
14 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

15 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)  
16 Sec. 2-28. Court review.

17 (1) The court may require any legal custodian or guardian  
18 of the person appointed under this Act to report periodically  
19 to the court or may cite him into court and require him or his  
20 agency, to make a full and accurate report of his or its doings  
21 in behalf of the minor. The custodian or guardian, within 10  
22 days after such citation, shall make the report, either in  
23 writing verified by affidavit or orally under oath in open  
24 court, or otherwise as the court directs. Upon the hearing of  
25 the report the court may remove the custodian or guardian and

1 appoint another in his stead or restore the minor to the  
2 custody of his parents or former guardian or custodian.  
3 However, custody of the minor shall not be restored to any  
4 parent, guardian or legal custodian in any case in which the  
5 minor is found to be neglected or abused under Section 2-3 or  
6 dependent under Section 2-4 of this Act, unless the minor can  
7 be cared for at home without endangering the minor's health or  
8 safety and it is in the best interests of the minor, and if  
9 such neglect, abuse, or dependency is found by the court under  
10 paragraph (1) of Section 2-21 of this Act to have come about  
11 due to the acts or omissions or both of such parent, guardian  
12 or legal custodian, until such time as an investigation is made  
13 as provided in paragraph (5) and a hearing is held on the issue  
14 of the fitness of such parent, guardian or legal custodian to  
15 care for the minor and the court enters an order that such  
16 parent, guardian or legal custodian is fit to care for the  
17 minor.

18 (2) The first permanency hearing shall be conducted by the  
19 judge. Subsequent permanency hearings may be heard by a judge  
20 or by hearing officers appointed or approved by the court in  
21 the manner set forth in Section 2-28.1 of this Act. The initial  
22 hearing shall be held (a) within 12 months from the date  
23 temporary custody was taken, regardless of whether an  
24 adjudication or dispositional hearing has been completed  
25 within that time frame, (b) if the parental rights of both  
26 parents have been terminated in accordance with the procedure



1 described in subsection (5) of Section 2-21, within 30 days of  
2 the order for termination of parental rights and appointment of  
3 a guardian with power to consent to adoption, or (c) in  
4 accordance with subsection (2) of Section 2-13.1. Subsequent  
5 permanency hearings shall be held every 6 months or more  
6 frequently if necessary in the court's determination following  
7 the initial permanency hearing, in accordance with the  
8 standards set forth in this Section, until the court determines  
9 that the plan and goal have been achieved. Once the plan and  
10 goal have been achieved, if the minor remains in substitute  
11 care, the case shall be reviewed at least every 6 months  
12 thereafter, subject to the provisions of this Section, unless  
13 the minor is placed in the guardianship of a suitable relative  
14 or other person and the court determines that further  
15 monitoring by the court does not further the health, safety or  
16 best interest of the child and that this is a stable permanent  
17 placement. The permanency hearings must occur within the time  
18 frames set forth in this subsection and may not be delayed in  
19 anticipation of a report from any source or due to the agency's  
20 failure to timely file its written report (this written report  
21 means the one required under the next paragraph and does not  
22 mean the service plan also referred to in that paragraph).

23 The public agency that is the custodian or guardian of the  
24 minor, or another agency responsible for the minor's care,  
25 shall ensure that all parties to the permanency hearings are  
26 provided a copy of the most recent service plan prepared within

1 the prior 6 months at least 14 days in advance of the hearing.  
2 If not contained in the plan, the agency shall also include a  
3 report setting forth (i) any special physical, psychological,  
4 educational, medical, emotional, or other needs of the minor or  
5 his or her family that are relevant to a permanency or  
6 placement determination and (ii) for any minor age 16 or over,  
7 a written description of the programs and services that will  
8 enable the minor to prepare for independent living. The  
9 agency's written report must detail what progress or lack of  
10 progress the parent has made in correcting the conditions  
11 requiring the child to be in care; whether the child can be  
12 returned home without jeopardizing the child's health, safety,  
13 and welfare, and if not, what permanency goal is recommended to  
14 be in the best interests of the child, and why the other  
15 permanency goals are not appropriate. The caseworker must  
16 appear and testify at the permanency hearing. If a permanency  
17 hearing has not previously been scheduled by the court, the  
18 moving party shall move for the setting of a permanency hearing  
19 and the entry of an order within the time frames set forth in  
20 this subsection.

21 At the permanency hearing, the court shall determine the  
22 future status of the child. The court shall set one of the  
23 following permanency goals:

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

26 (B) The minor will be in short-term care with a

1 continued goal to return home within a period not to exceed  
2 one year, where the progress of the parent or parents is  
3 substantial giving particular consideration to the age and  
4 individual needs of the minor.

5 (B-1) The minor will be in short-term care with a  
6 continued goal to return home pending a status hearing.  
7 When the court finds that a parent has not made reasonable  
8 efforts or reasonable progress to date, the court shall  
9 identify what actions the parent and the Department must  
10 take in order to justify a finding of reasonable efforts or  
11 reasonable progress and shall set a status hearing to be  
12 held not earlier than 9 months from the date of  
13 adjudication nor later than 11 months from the date of  
14 adjudication during which the parent's progress will again  
15 be reviewed.

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

18 (D) Adoption, provided that parental rights have been  
19 terminated or relinquished.

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

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

25 (G) The minor will be in substitute care because he or  
26 she cannot be provided for in a home environment due to

1 developmental disabilities or mental illness or because he  
2 or she is a danger to self or others, provided that goals  
3 (A) through (D) have been ruled out.

4 In selecting any permanency goal, the court shall indicate  
5 in writing the reasons the goal was selected and why the  
6 preceding goals were ruled out. Where the court has selected a  
7 permanency goal other than (A), (B), or (B-1), the Department  
8 of Children and Family Services shall not provide further  
9 reunification services, but shall provide services consistent  
10 with the goal selected.

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

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

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

18 (3) The court has found compelling reasons, based  
19 on written documentation reviewed by the court, to  
20 place the minor in continuing foster care. Compelling  
21 reasons include:

22 (a) the child does not wish to be adopted or to  
23 be placed in the guardianship of his or her  
24 relative or foster care placement;

25 (b) the child exhibits an extreme level of need  
26 such that the removal of the child from his or her

1 placement would be detrimental to the child; or  
2 (c) the child who is the subject of the  
3 permanency hearing has existing close and strong  
4 bonds with a sibling, and achievement of another  
5 permanency goal would substantially interfere with  
6 the subject child's sibling relationship, taking  
7 into consideration the nature and extent of the  
8 relationship, and whether ongoing contact is in  
9 the subject child's best interest, including  
10 long-term emotional interest, as compared with the  
11 legal and emotional benefit of permanence;

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

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

17 The court shall set a permanency goal that is in the best  
18 interest of the child. In determining that goal, the court  
19 shall consult with the minor in an age-appropriate manner  
20 regarding the proposed permanency or transition plan for the  
21 minor. The court's determination shall include the following  
22 factors:

23 (1) Age of the child.

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

26 (3) Current placement of the child and the intent of

1 the family regarding adoption.

2 (4) Emotional, physical, and mental status or  
3 condition of the child.

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

7 (6) Availability of services currently needed and  
8 whether the services exist.

9 (7) Status of siblings of the minor.

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

19 The court shall make findings as to whether, in violation  
20 of Section 8.2 of the Abused and Neglected Child Reporting Act,  
21 any portion of the service plan compels a child or parent to  
22 engage in any activity or refrain from any activity that is not  
23 reasonably related to remedying a condition or conditions that  
24 gave rise or which could give rise to any finding of child  
25 abuse or neglect. The services contained in the service plan  
26 shall include services reasonably related to remedy the

1 conditions that gave rise to removal of the child from the home  
2 of his or her parents, guardian, or legal custodian or that the  
3 court has found must be remedied prior to returning the child  
4 home. Any tasks the court requires of the parents, guardian, or  
5 legal custodian or child prior to returning the child home,  
6 must be reasonably related to remedying a condition or  
7 conditions that gave rise to or which could give rise to any  
8 finding of child abuse or neglect.

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

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

26 If the goal has been achieved, the court shall enter orders

1 that are necessary to conform the minor's legal custody and  
2 status to those findings.

3 If, after receiving evidence, the court determines that the  
4 services contained in the plan are not reasonably calculated to  
5 facilitate achievement of the permanency goal, the court shall  
6 put in writing the factual basis supporting the determination  
7 and enter specific findings based on the evidence. The court  
8 also shall enter an order for the Department to develop and  
9 implement a new service plan or to implement changes to the  
10 current service plan consistent with the court's findings. The  
11 new service plan shall be filed with the court and served on  
12 all parties within 45 days of the date of the order. The court  
13 shall continue the matter until the new service plan is filed.  
14 Except as authorized by subsection (2.5) of this Section and as  
15 otherwise specifically authorized by law, the court is not  
16 empowered under this Section to order specific placements,  
17 specific services, or specific service providers to be included  
18 in the service plan. ~~Unless otherwise specifically authorized~~  
19 ~~by law, the court is not empowered under this subsection (2) or~~  
20 ~~under subsection (3) to order specific placements, specific~~  
21 ~~services, or specific service providers to be included in the~~  
22 ~~plan.~~

23 A guardian or custodian appointed by the court pursuant to  
24 this Act shall file updated case plans with the court every 6  
25 months.

26 Rights of wards of the court under this Act are enforceable



1 against any public agency by complaints for relief by mandamus  
2 filed in any proceedings brought under this Act.

3 (2.5) If, after reviewing the evidence, including evidence  
4 from the Department, the court determines that the minor's  
5 current or planned placement is not necessary or appropriate to  
6 facilitate achievement of the permanency goal, the court shall  
7 put in writing the factual basis supporting its determination  
8 and enter specific findings based on the evidence. If the court  
9 finds that the minor's current or planned placement is not  
10 necessary or appropriate, the court may enter an order  
11 directing the Department to implement a recommendation by the  
12 minor's treating clinician or a clinician contracted by the  
13 Department to evaluate the minor or a recommendation made by  
14 the Department. If the Department places a minor in a placement  
15 under an order entered under this subsection (2.5), the  
16 Department has the authority to remove the minor from that  
17 placement when a change in circumstances necessitates the  
18 removal to protect the minor's health, safety, and best  
19 interest. If the Department determines removal is necessary,  
20 the Department shall notify the parties of the planned  
21 placement change in writing no later than 10 days prior to the  
22 implementation of its determination unless remaining in the  
23 placement poses an imminent risk of harm to the minor, in which  
24 case the Department shall notify the parties of the placement  
25 change in writing immediately following the implementation of  
26 its decision. The Department shall notify others of the

1 decision to change the minor's placement as required by  
2 Department rule.

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

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

9 (b) If the permanency goal of the minor cannot be  
10 achieved immediately, the specific reasons for continuing  
11 the minor in the care of the Department of Children and  
12 Family Services or other agency for short term placement,  
13 and the following determinations:

14 (i) (Blank).

15 (ii) Whether the services required by the court and  
16 by any service plan prepared within the prior 6 months  
17 have been provided and (A) if so, whether the services  
18 were reasonably calculated to facilitate the  
19 achievement of the permanency goal or (B) if not  
20 provided, why the services were not provided.

21 (iii) Whether the minor's current or planned  
22 placement is necessary, and appropriate to the plan and  
23 goal, recognizing the right of minors to the least  
24 restrictive (most family-like) setting available and  
25 in close proximity to the parents' home consistent with  
26 the health, safety, best interest and special needs of

1           the minor and, if the minor is placed out-of-State,  
2           whether the out-of-State placement continues to be  
3           appropriate and consistent with the health, safety,  
4           and best interest of the minor.

5                   (iv) (Blank).

6                   (v) (Blank).

7           (4) The minor or any person interested in the minor may  
8           apply to the court for a change in custody of the minor and the  
9           appointment of a new custodian or guardian of the person or for  
10          the restoration of the minor to the custody of his parents or  
11          former guardian or custodian.

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

13               (a) The Department, the minor, or the current foster  
14               parent or relative caregiver seeking private guardianship  
15               may file a motion for private guardianship of the minor.  
16               Appointment of a guardian under this Section requires  
17               approval of the court.

18               (b) The State's Attorney may file a motion to terminate  
19               parental rights of any parent who has failed to make  
20               reasonable efforts to correct the conditions which led to  
21               the removal of the child or reasonable progress toward the  
22               return of the child, as defined in subdivision (D) (m) of  
23               Section 1 of the Adoption Act or for whom any other  
24               unfitness ground for terminating parental rights as  
25               defined in subdivision (D) of Section 1 of the Adoption Act  
26               exists.

1           When parental rights have been terminated for a minimum  
2           of 3 years and the child who is the subject of the  
3           permanency hearing is 13 years old or older and is not  
4           currently placed in a placement likely to achieve  
5           permanency, the Department of Children and Family Services  
6           shall make reasonable efforts to locate parents whose  
7           rights have been terminated, except when the Court  
8           determines that those efforts would be futile or  
9           inconsistent with the subject child's best interests. The  
10          Department of Children and Family Services shall assess the  
11          appropriateness of the parent whose rights have been  
12          terminated, and shall, as appropriate, foster and support  
13          connections between the parent whose rights have been  
14          terminated and the youth. The Department of Children and  
15          Family Services shall document its determinations and  
16          efforts to foster connections in the child's case plan.

17          Custody of the minor shall not be restored to any parent,  
18          guardian or legal custodian in any case in which the minor is  
19          found to be neglected or abused under Section 2-3 or dependent  
20          under Section 2-4 of this Act, unless the minor can be cared  
21          for at home without endangering his or her health or safety and  
22          it is in the best interest of the minor, and if such neglect,  
23          abuse, or dependency is found by the court under paragraph (1)  
24          of Section 2-21 of this Act to have come about due to the acts  
25          or omissions or both of such parent, guardian or legal  
26          custodian, until such time as an investigation is made as

1 provided in paragraph (5) and a hearing is held on the issue of  
2 the health, safety and best interest of the minor and the  
3 fitness of such parent, guardian or legal custodian to care for  
4 the minor and the court enters an order that such parent,  
5 guardian or legal custodian is fit to care for the minor. In  
6 the event that the minor has attained 18 years of age and the  
7 guardian or custodian petitions the court for an order  
8 terminating his guardianship or custody, guardianship or  
9 custody shall terminate automatically 30 days after the receipt  
10 of the petition unless the court orders otherwise. No legal  
11 custodian or guardian of the person may be removed without his  
12 consent until given notice and an opportunity to be heard by  
13 the court.

14 When the court orders a child restored to the custody of  
15 the parent or parents, the court shall order the parent or  
16 parents to cooperate with the Department of Children and Family  
17 Services and comply with the terms of an after-care plan, or  
18 risk the loss of custody of the child and possible termination  
19 of their parental rights. The court may also enter an order of  
20 protective supervision in accordance with Section 2-24.

21 (5) Whenever a parent, guardian, or legal custodian files a  
22 motion for restoration of custody of the minor, and the minor  
23 was adjudicated neglected, abused, or dependent as a result of  
24 physical abuse, the court shall cause to be made an  
25 investigation as to whether the movant has ever been charged  
26 with or convicted of any criminal offense which would indicate

1 the likelihood of any further physical abuse to the minor.  
2 Evidence of such criminal convictions shall be taken into  
3 account in determining whether the minor can be cared for at  
4 home without endangering his or her health or safety and  
5 fitness of the parent, guardian, or legal custodian.

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

9 (b) The information derived from the investigation and  
10 any conclusions or recommendations derived from the  
11 information shall be provided to the parent, guardian, or  
12 legal custodian seeking restoration of custody prior to the  
13 hearing on fitness and the movant shall have an opportunity  
14 at the hearing to refute the information or contest its  
15 significance.

16 (c) All information obtained from any investigation  
17 shall be confidential as provided in Section 5-150 of this  
18 Act.

19 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;  
20 98-756, eff. 7-16-14.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.