



Rep. Patricia R. Bellock

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1 AMENDMENT TO HOUSE BILL 5257

2 AMENDMENT NO. _____. Amend House Bill 5257 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Section 35.1 as follows:

6 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

7 Sec. 35.1. The case and clinical records of patients in
8 Department supervised facilities, youth in care, children
9 receiving or applying for child welfare services, persons
10 receiving or applying for other services of the Department, and
11 Department reports of injury or abuse to children shall not be
12 open to the general public. Such case and clinical records and
13 reports or the information contained therein shall be disclosed
14 by the Director of the Department to juvenile authorities when
15 necessary for the discharge of their official duties who
16 request information concerning the minor and who certify in

1 writing that the information will not be disclosed to any other
2 party except as provided under law or order of court. For
3 purposes of this Section, "juvenile authorities" means: (i) a
4 judge of the circuit court and members of the staff of the
5 court designated by the judge; (ii) parties to the proceedings
6 under the Juvenile Court Act of 1987 and their attorneys; (iii)
7 probation officers and court appointed advocates for the
8 juvenile authorized by the judge hearing the case; (iv) any
9 individual, public or private agency having custody of the
10 child pursuant to court order or pursuant to placement of the
11 child by the Department; (v) any individual, public or private
12 agency providing education, medical or mental health service to
13 the child when the requested information is needed to determine
14 the appropriate service or treatment for the minor; (vi) any
15 potential placement provider when such release is authorized by
16 the court for the limited purpose of determining the
17 appropriateness of the potential placement; (vii) law
18 enforcement officers and prosecutors; (viii) adult and
19 juvenile prisoner review boards; (ix) authorized military
20 personnel; (x) individuals authorized by court; (xi) the
21 Illinois General Assembly or any committee or commission
22 thereof. This Section does not apply to the Department's fiscal
23 records, other records of a purely administrative nature, or
24 any forms, documents or other records required of facilities
25 subject to licensure by the Department except as may otherwise
26 be provided under the Child Care Act of 1969. Notwithstanding

1 any other provision of this Section, upon request, a guardian
2 ad litem or attorney appointed to represent a child who is the
3 subject of an action pursuant to Article II of the Juvenile
4 Court Act of 1987 may obtain a copy of foster home licensing
5 records, including all information related to licensing
6 complaints and investigations, regarding a home in which the
7 child is placed or regarding a home in which the Department
8 plans to place the child. Any information contained in foster
9 home licensing records that is protected from disclosure by
10 federal or State law may be obtained only in compliance with
11 that law. Nothing in this Section restricts the authority of a
12 court to order release of licensing records for purposes of
13 discovery or as otherwise authorized by law.

14 Nothing contained in this Act prevents the sharing or
15 disclosure of information or records relating or pertaining to
16 juveniles subject to the provisions of the Serious Habitual
17 Offender Comprehensive Action Program when that information is
18 used to assist in the early identification and treatment of
19 habitual juvenile offenders.

20 Nothing contained in this Act prevents the sharing or
21 disclosure of information or records relating or pertaining to
22 the death of a minor under the care of or receiving services
23 from the Department and under the jurisdiction of the juvenile
24 court with the juvenile court, the State's Attorney, and the
25 minor's attorney.

26 In this paragraph, "significant event report" means a

1 written document describing an occurrence or event beyond the
2 customary operations, routines, or relationships in the
3 Department, a child care facility, or other entity that is
4 licensed or regulated by the Department or that provides
5 services for the Department under a grant, contract, or
6 purchase of service agreement; involving children or youth,
7 employees, foster parents, or relative caregivers; allegations
8 of abuse or neglect or any other incident raising a concern
9 about the well-being of a minor under the jurisdiction of the
10 court under Article II of the Juvenile Court Act; incidents
11 involving damage to property, allegations of criminal
12 activity, misconduct, or other occurrences affecting the
13 operations of the Department or a child care facility; any
14 incident that could have media impact; and unusual incidents as
15 defined by Department rule. The Department shall provide a
16 minor's guardian ad litem, appointed under Section 2-17 of the
17 Juvenile Court Act of 1987, or a minor's attorney appointed
18 under the Juvenile Court Act of 1987, with a copy of each
19 significant event report involving the minor no later than 3
20 days after the Department learns of an event requiring a
21 significant event report to be written, or earlier as required
22 by Department rule.

23 Nothing contained in this Section prohibits or prevents any
24 individual dealing with or providing services to a minor from
25 sharing information with another individual dealing with or
26 providing services to a minor for the purpose of coordinating

1 efforts on behalf of the minor. The sharing of such information
2 is only for the purpose stated herein and is to be consistent
3 with the intent and purpose of the confidentiality provisions
4 of the Juvenile Court Act of 1987. This provision does not
5 abrogate any recognized privilege. Sharing information does
6 not include copying of records, reports or case files unless
7 authorized herein.

8 Nothing in this Section prohibits or prevents the
9 re-disclosure of records, reports, or other information that
10 reveals malfeasance or nonfeasance on the part of the
11 Department, its employees, or its agents. Nothing in this
12 Section prohibits or prevents the Department or a party in a
13 proceeding under the Juvenile Court Act of 1987 from copying
14 records, reports, or case files for the purpose of sharing
15 those documents with other parties to the litigation.

16 (Source: P.A. 99-779, eff. 1-1-17; 100-159, eff. 8-18-17.)

17 Section 10. The Juvenile Court Act of 1987 is amended by
18 changing Sections 1-3 and 2-17 as follows:

19 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

23 (1) "Adjudicatory hearing" means a hearing to determine
24 whether the allegations of a petition under Section 2-13, 3-15

1 or 4-12 that a minor under 18 years of age is abused, neglected
2 or dependent, or requires authoritative intervention, or
3 addicted, respectively, are supported by a preponderance of the
4 evidence or whether the allegations of a petition under Section
5 5-520 that a minor is delinquent are proved beyond a reasonable
6 doubt.

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

8 (3) "Agency" means a public or private child care facility
9 legally authorized or licensed by this State for placement or
10 institutional care or for both placement and institutional
11 care.

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

16 (4.05) Whenever a "best interest" determination is
17 required, the following factors shall be considered in the
18 context of the child's age and developmental needs:

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

21 (b) the development of the child's identity;

22 (c) the child's background and ties, including
23 familial, cultural, and religious;

24 (d) the child's sense of attachments, including:

25 (i) where the child actually feels love,
26 attachment, and a sense of being valued (as opposed to

1 where adults believe the child should feel such love,
2 attachment, and a sense of being valued);

3 (ii) the child's sense of security;

4 (iii) the child's sense of familiarity;

5 (iv) continuity of affection for the child;

6 (v) the least disruptive placement alternative for
7 the child;

8 (e) the child's wishes and long-term goals;

9 (f) the child's community ties, including church,
10 school, and friends;

11 (g) the child's need for permanence which includes the
12 child's need for stability and continuity of relationships
13 with parent figures and with siblings and other relatives;

14 (h) the uniqueness of every family and child;

15 (i) the risks attendant to entering and being in
16 substitute care; and

17 (j) the preferences of the persons available to care
18 for the child.

19 (4.1) "Chronic truant" shall have the definition ascribed
20 to it in Section 26-2a of the School Code.

21 (5) "Court" means the circuit court in a session or
22 division assigned to hear proceedings under this Act.

23 (6) "Dispositional hearing" means a hearing to determine
24 whether a minor should be adjudged to be a ward of the court,
25 and to determine what order of disposition should be made in
26 respect to a minor adjudged to be a ward of the court.

1 (7) "Emancipated minor" means any minor 16 years of age or
2 over who has been completely or partially emancipated under the
3 Emancipation of Minors Act or under this Act.

4 (7.05) "Foster parent" includes a relative caregiver
5 selected by the Department of Children and Family Services to
6 provide care for the minor.

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

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

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

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

25 (d) the power to consent to the adoption of the minor,
26 but only if expressly conferred on the guardian in

1 accordance with Section 2-29, 3-30, or 4-27.

2 (9) "Legal custody" means the relationship created by an
3 order of court in the best interests of the minor which imposes
4 on the custodian the responsibility of physical possession of a
5 minor and the duty to protect, train and discipline him and to
6 provide him with food, shelter, education and ordinary medical
7 care, except as these are limited by residual parental rights
8 and responsibilities and the rights and responsibilities of the
9 guardian of the person, if any.

10 (9.1) "Mentally capable adult relative" means a person 21
11 years of age or older who is not suffering from a mental
12 illness that prevents him or her from providing the care
13 necessary to safeguard the physical safety and welfare of a
14 minor who is left in that person's care by the parent or
15 parents or other person responsible for the minor's welfare.

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

18 (11) "Parent" means a father or mother of a child and
19 includes any adoptive parent. It also includes a person (i)
20 whose parentage is presumed or has been established under the
21 law of this or another jurisdiction or (ii) who has registered
22 with the Putative Father Registry in accordance with Section
23 12.1 of the Adoption Act and whose paternity has not been ruled
24 out under the law of this or another jurisdiction. It does not
25 include a parent whose rights in respect to the minor have been
26 terminated in any manner provided by law. It does not include a

1 person who has been or could be determined to be a parent under
2 the Illinois Parentage Act of 1984 or the Illinois Parentage
3 Act of 2015, or similar parentage law in any other state, if
4 that person has been convicted of or pled nolo contendere to a
5 crime that resulted in the conception of the child under
6 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
7 12-14.1, subsection (a) or (b) (but not subsection (c)) of
8 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
9 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, or similar
11 statute in another jurisdiction unless upon motion of any
12 party, other than the offender, to the juvenile court
13 proceedings the court finds it is in the child's best interest
14 to deem the offender a parent for purposes of the juvenile
15 court proceedings.

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

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

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

1 thereunder in Section 3-15, 4-12 or 5-520.

2 (12.1) "Physically capable adult relative" means a person
3 21 years of age or older who does not have a severe physical
4 disability or medical condition, or is not suffering from
5 alcoholism or drug addiction, that prevents him or her from
6 providing the care necessary to safeguard the physical safety
7 and welfare of a minor who is left in that person's care by the
8 parent or parents or other person responsible for the minor's
9 welfare.

10 (12.2) "Post Permanency Sibling Contact Agreement" has the
11 meaning ascribed to the term in Section 7.4 of the Children and
12 Family Services Act.

13 (12.3) "Residential treatment center" means a licensed
14 setting that provides 24-hour ~~24-hour~~ care to children in a
15 group home or institution, including a facility licensed as a
16 child care institution under Section 2.06 of the Child Care Act
17 of 1969, a licensed group home under Section 2.16 of the Child
18 Care Act of 1969, a secure child care facility as defined in
19 paragraph (18) of this Section, or any similar facility in
20 another state. "Residential treatment center" does not include
21 a relative foster home or a licensed foster family home.

22 (13) "Residual parental rights and responsibilities" means
23 those rights and responsibilities remaining with the parent
24 after the transfer of legal custody or guardianship of the
25 person, including, but not necessarily limited to, the right to
26 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of
2 this Section), the right to consent to adoption, the right to
3 determine the minor's religious affiliation, and the
4 responsibility for his support.

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

8 (14.05) "Shelter placement" means a temporary or emergency
9 placement for a minor, including an emergency foster home
10 placement.

11 (14.1) "Sibling Contact Support Plan" has the meaning
12 ascribed to the term in Section 7.4 of the Children and Family
13 Services Act.

14 (14.2) "Significant event report" means a written document
15 describing an occurrence or event beyond the customary
16 operations, routines, or relationships in the Department of
17 Children of Family Services, a child care facility, or other
18 entity that is licensed or regulated by the Department of
19 Children of Family Services or that provides services for the
20 Department of Children of Family Services under a grant,
21 contract, or purchase of service agreement; involving children
22 or youth, employees, foster parents, or relative caregivers;
23 allegations of abuse or neglect or any other incident raising a
24 concern about the well-being of a minor under the jurisdiction
25 of the court under Article II of the Juvenile Court Act;
26 incidents involving damage to property, allegations of

1 criminal activity, misconduct, or other occurrences affecting
2 the operations of the Department of Children of Family Services
3 or a child care facility; any incident that could have media
4 impact; and unusual incidents as defined by Department of
5 Children and Family Services rule.

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

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

12 (17) "Juvenile police officer" means a sworn police officer
13 who has completed a Basic Recruit Training Course, has been
14 assigned to the position of juvenile police officer by his or
15 her chief law enforcement officer and has completed the
16 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 Section

1 3-15-2 of the Unified Code of Corrections. "Secure child care
2 facility" also means a facility that is designed and operated
3 to ensure that all entrances and exits from the facility, a
4 building, or a distinct part of the building are under the
5 exclusive control of the staff of the facility, whether or not
6 the child has the freedom of movement within the perimeter of
7 the facility, building, or distinct part of the building.

8 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
9 100-229, eff. 1-1-18; revised 10-10-17.)

10 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

11 Sec. 2-17. Guardian ad litem.

12 (1) Immediately upon the filing of a petition alleging that
13 the minor is a person described in Sections 2-3 or 2-4 of this
14 Article, the court shall appoint a guardian ad litem for the
15 minor if:

16 (a) such petition alleges that the minor is an abused
17 or neglected child; or

18 (b) such petition alleges that charges alleging the
19 commission of any of the sex offenses defined in Article 11
20 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
21 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, have
23 been filed against a defendant in any court and that such
24 minor is the alleged victim of the acts of defendant in the
25 commission of such offense.

1 Unless the guardian ad litem appointed pursuant to this
2 paragraph (1) is an attorney at law he shall be represented in
3 the performance of his duties by counsel. The guardian ad litem
4 shall represent the best interests of the minor and shall
5 present recommendations to the court consistent with that duty.

6 (2) Before proceeding with the hearing, the court shall
7 appoint a guardian ad litem for the minor if

8 (a) no parent, guardian, custodian or relative of the
9 minor appears at the first or any subsequent hearing of the
10 case;

11 (b) the petition prays for the appointment of a
12 guardian with power to consent to adoption; or

13 (c) the petition for which the minor is before the
14 court resulted from a report made pursuant to the Abused
15 and Neglected Child Reporting Act.

16 (3) The court may appoint a guardian ad litem for the minor
17 whenever it finds that there may be a conflict of interest
18 between the minor and his parents or other custodian or that it
19 is otherwise in the minor's best interest to do so.

20 (4) Unless the guardian ad litem is an attorney, he shall
21 be represented by counsel.

22 (5) The reasonable fees of a guardian ad litem appointed
23 under this Section shall be fixed by the court and charged to
24 the parents of the minor, to the extent they are able to pay.
25 If the parents are unable to pay those fees, they shall be paid
26 from the general fund of the county.

1 (6) A guardian ad litem appointed under this Section, shall
2 receive copies of any and all classified reports of child abuse
3 and neglect made under the Abused and Neglected Child Reporting
4 Act in which the minor who is the subject of a report under the
5 Abused and Neglected Child Reporting Act, is also the minor for
6 whom the guardian ad litem is appointed under this Section.

7 (6.5) A guardian ad litem appointed under this Section or
8 attorney appointed under this Act, shall receive a copy of each
9 significant event report that involves the minor no later than
10 3 days after the Department learns of an event requiring a
11 significant event report to be written, or earlier as required
12 by Department rule.

13 (7) The appointed guardian ad litem shall remain the
14 child's guardian ad litem throughout the entire juvenile trial
15 court proceedings, including permanency hearings and
16 termination of parental rights proceedings, unless there is a
17 substitution entered by order of the court.

18 (8) The guardian ad litem or an agent of the guardian ad
19 litem shall have a minimum of one in-person contact with the
20 minor and one contact with one of the current foster parents or
21 caregivers prior to the adjudicatory hearing, and at least one
22 additional in-person contact with the child and one contact
23 with one of the current foster parents or caregivers after the
24 adjudicatory hearing but prior to the first permanency hearing
25 and one additional in-person contact with the child and one
26 contact with one of the current foster parents or caregivers

1 each subsequent year. For good cause shown, the judge may
2 excuse face-to-face interviews required in this subsection.

3 (9) In counties with a population of 100,000 or more but
4 less than 3,000,000, each guardian ad litem must successfully
5 complete a training program approved by the Department of
6 Children and Family Services. The Department of Children and
7 Family Services shall provide training materials and documents
8 to guardians ad litem who are not mandated to attend the
9 training program. The Department of Children and Family
10 Services shall develop and distribute to all guardians ad litem
11 a bibliography containing information including but not
12 limited to the juvenile court process, termination of parental
13 rights, child development, medical aspects of child abuse, and
14 the child's need for safety and permanence.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)".