



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2655

Introduced 2/8/2018, by Sen. Mattie Hunter

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

from Ch. 23, par. 5005

705 ILCS 405/2-28

from Ch. 37, par. 802-28

Amends the Juvenile Court Act of 1987. Provides that in selecting a permanency goal for a minor over age 15 of substitute care pending independence, the Department of Children and Family Services may provide services to enable reunification and to strengthen the minor's connections with family, fictive kin, and other responsible adults, provided the services are in the minor's best interest. Provides that those services shall be documented in the service plan. Makes conforming changes in the Children and Family Services Act.

LRB100 19842 SLF 35118 b

1 AN ACT concerning juveniles.

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

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

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of  
8 Children and Family Services. To provide direct child welfare  
9 services when not available through other public or private  
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who  
13 are under the age of 18 years. The term also includes  
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of  
17 1987, as amended, prior to the age of 18 and who  
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by  
20 the Department prior to the age of 18 and whose best  
21 interest in the discretion of the Department would be  
22 served by continuing that care, service and training  
23 because of severe emotional disturbances, physical

1           disability, social adjustment or any combination  
2           thereof, or because of the need to complete an  
3           educational or vocational training program.

4           (2) "Homeless youth" means persons found within the  
5           State who are under the age of 19, are not in a safe and  
6           stable living situation and cannot be reunited with their  
7           families.

8           (3) "Child welfare services" means public social  
9           services which are directed toward the accomplishment of  
10          the following purposes:

11           (A) protecting and promoting the health, safety  
12           and welfare of children, including homeless, dependent  
13           or neglected children;

14           (B) remedying, or assisting in the solution of  
15           problems which may result in, the neglect, abuse,  
16           exploitation or delinquency of children;

17           (C) preventing the unnecessary separation of  
18           children from their families by identifying family  
19           problems, assisting families in resolving their  
20           problems, and preventing the breakup of the family  
21           where the prevention of child removal is desirable and  
22           possible when the child can be cared for at home  
23           without endangering the child's health and safety;

24           (D) restoring to their families children who have  
25           been removed, by the provision of services to the child  
26           and the families when the child can be cared for at

1 home without endangering the child's health and  
2 safety;

3 (E) placing children in suitable adoptive homes,  
4 in cases where restoration to the biological family is  
5 not safe, possible or appropriate;

6 (F) assuring safe and adequate care of children  
7 away from their homes, in cases where the child cannot  
8 be returned home or cannot be placed for adoption. At  
9 the time of placement, the Department shall consider  
10 concurrent planning, as described in subsection (1-1)  
11 of this Section so that permanency may occur at the  
12 earliest opportunity. Consideration should be given so  
13 that if reunification fails or is delayed, the  
14 placement made is the best available placement to  
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities  
19 that provide separate living quarters for children  
20 under the age of 18 and for children 18 years of age  
21 and older, unless a child 18 years of age is in the  
22 last year of high school education or vocational  
23 training, in an approved individual or group treatment  
24 program, in a licensed shelter facility, or secure  
25 child care facility. The Department is not required to  
26 place or maintain children:

1 (i) who are in a foster home, or

2 (ii) who are persons with a developmental  
3 disability, as defined in the Mental Health and  
4 Developmental Disabilities Code, or

5 (iii) who are female children who are  
6 pregnant, pregnant and parenting or parenting, or

7 (iv) who are siblings, in facilities that  
8 provide separate living quarters for children 18  
9 years of age and older and for children under 18  
10 years of age.

11 (b) Nothing in this Section shall be construed to authorize  
12 the expenditure of public funds for the purpose of performing  
13 abortions.

14 (c) The Department shall establish and maintain  
15 tax-supported child welfare services and extend and seek to  
16 improve voluntary services throughout the State, to the end  
17 that services and care shall be available on an equal basis  
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for  
20 any new program initiative to any agency contracting with the  
21 Department. As a prerequisite for an advance disbursement, the  
22 contractor must post a surety bond in the amount of the advance  
23 disbursement and have a purchase of service contract approved  
24 by the Department. The Department may pay up to 2 months  
25 operational expenses in advance. The amount of the advance  
26 disbursement shall be prorated over the life of the contract or

1 the remaining months of the fiscal year, whichever is less, and  
2 the installment amount shall then be deducted from future  
3 bills. Advance disbursement authorizations for new initiatives  
4 shall not be made to any agency after that agency has operated  
5 during 2 consecutive fiscal years. The requirements of this  
6 Section concerning advance disbursements shall not apply with  
7 respect to the following: payments to local public agencies for  
8 child day care services as authorized by Section 5a of this  
9 Act; and youth service programs receiving grant funds under  
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations  
14 concerning its operation of programs designed to meet the goals  
15 of child safety and protection, family preservation, family  
16 reunification, and adoption, including but not limited to:

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court  
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption  
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

4 Rules and regulations established by the Department shall  
5 include provisions for training Department staff and the staff  
6 of Department grantees, through contracts with other agencies  
7 or resources, in alcohol and drug abuse screening techniques  
8 approved by the Department of Human Services, as a successor to  
9 the Department of Alcoholism and Substance Abuse, for the  
10 purpose of identifying children and adults who should be  
11 referred to an alcohol and drug abuse treatment program for  
12 professional evaluation.

13 (h) If the Department finds that there is no appropriate  
14 program or facility within or available to the Department for a  
15 youth in care and that no licensed private facility has an  
16 adequate and appropriate program or none agrees to accept the  
17 youth in care, the Department shall create an appropriate  
18 individualized, program-oriented plan for such youth in care.  
19 The plan may be developed within the Department or through  
20 purchase of services by the Department to the extent that it is  
21 within its statutory authority to do.

22 (i) Service programs shall be available throughout the  
23 State and shall include but not be limited to the following  
24 services:

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

5 In addition, the following services may be made available  
6 to assess and meet the needs of children and families:

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the  
12 services it makes available to children or families or for  
13 which it refers children or families.

14 (j) The Department may provide categories of financial  
15 assistance and education assistance grants, and shall  
16 establish rules and regulations concerning the assistance and  
17 grants, to persons who adopt children with physical or mental  
18 disabilities, children who are older, or other hard-to-place  
19 children who (i) immediately prior to their adoption were youth  
20 in care or (ii) were determined eligible for financial  
21 assistance with respect to a prior adoption and who become  
22 available for adoption because the prior adoption has been  
23 dissolved and the parental rights of the adoptive parents have  
24 been terminated or because the child's adoptive parents have  
25 died. The Department may continue to provide financial  
26 assistance and education assistance grants for a child who was



1 determined eligible for financial assistance under this  
2 subsection (j) in the interim period beginning when the child's  
3 adoptive parents died and ending with the finalization of the  
4 new adoption of the child by another adoptive parent or  
5 parents. The Department may also provide categories of  
6 financial assistance and education assistance grants, and  
7 shall establish rules and regulations for the assistance and  
8 grants, to persons appointed guardian of the person under  
9 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
10 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
11 who were youth in care for 12 months immediately prior to the  
12 appointment of the guardian.

13 The amount of assistance may vary, depending upon the needs  
14 of the child and the adoptive parents, as set forth in the  
15 annual assistance agreement. Special purpose grants are  
16 allowed where the child requires special service but such costs  
17 may not exceed the amounts which similar services would cost  
18 the Department if it were to provide or secure them as guardian  
19 of the child.

20 Any financial assistance provided under this subsection is  
21 inalienable by assignment, sale, execution, attachment,  
22 garnishment, or any other remedy for recovery or collection of  
23 a judgment or debt.

24 (j-5) The Department shall not deny or delay the placement  
25 of a child for adoption if an approved family is available  
26 either outside of the Department region handling the case, or

1 outside of the State of Illinois.

2 (k) The Department shall accept for care and training any  
3 child who has been adjudicated neglected or abused, or  
4 dependent committed to it pursuant to the Juvenile Court Act or  
5 the Juvenile Court Act of 1987.

6 (l) The Department shall offer family preservation  
7 services, as defined in Section 8.2 of the Abused and Neglected  
8 Child Reporting Act, to help families, including adoptive and  
9 extended families. Family preservation services shall be  
10 offered (i) to prevent the placement of children in substitute  
11 care when the children can be cared for at home or in the  
12 custody of the person responsible for the children's welfare,  
13 (ii) to reunite children with their families, or (iii) to  
14 maintain an adoptive placement. Family preservation services  
15 shall only be offered when doing so will not endanger the  
16 children's health or safety. With respect to children who are  
17 in substitute care pursuant to the Juvenile Court Act of 1987,  
18 family preservation services shall not be offered if a goal  
19 other than those of subdivisions (A), (B), or (B-1) of  
20 subsection (2) of Section 2-28 of that Act has been set, except  
21 that reunification services may be offered as provided in  
22 paragraph (F) of subsection (2) of Section 2-28 of that Act.  
23 Nothing in this paragraph shall be construed to create a  
24 private right of action or claim on the part of any individual  
25 or child welfare agency, except that when a child is the  
26 subject of an action under Article II of the Juvenile Court Act

1 of 1987 and the child's service plan calls for services to  
2 facilitate achievement of the permanency goal, the court  
3 hearing the action under Article II of the Juvenile Court Act  
4 of 1987 may order the Department to provide the services set  
5 out in the plan, if those services are not provided with  
6 reasonable promptness and if those services are available.

7 The Department shall notify the child and his family of the  
8 Department's responsibility to offer and provide family  
9 preservation services as identified in the service plan. The  
10 child and his family shall be eligible for services as soon as  
11 the report is determined to be "indicated". The Department may  
12 offer services to any child or family with respect to whom a  
13 report of suspected child abuse or neglect has been filed,  
14 prior to concluding its investigation under Section 7.12 of the  
15 Abused and Neglected Child Reporting Act. However, the child's  
16 or family's willingness to accept services shall not be  
17 considered in the investigation. The Department may also  
18 provide services to any child or family who is the subject of  
19 any report of suspected child abuse or neglect or may refer  
20 such child or family to services available from other agencies  
21 in the community, even if the report is determined to be  
22 unfounded, if the conditions in the child's or family's home  
23 are reasonably likely to subject the child or family to future  
24 reports of suspected child abuse or neglect. Acceptance of such  
25 services shall be voluntary. The Department may also provide  
26 services to any child or family after completion of a family

1 assessment, as an alternative to an investigation, as provided  
2 under the "differential response program" provided for in  
3 subsection (a-5) of Section 7.4 of the Abused and Neglected  
4 Child Reporting Act.

5 The Department may, at its discretion except for those  
6 children also adjudicated neglected or dependent, accept for  
7 care and training any child who has been adjudicated addicted,  
8 as a truant minor in need of supervision or as a minor  
9 requiring authoritative intervention, under the Juvenile Court  
10 Act or the Juvenile Court Act of 1987, but no such child shall  
11 be committed to the Department by any court without the  
12 approval of the Department. On and after January 1, 2015 (the  
13 effective date of Public Act 98-803) ~~this amendatory Act of the~~  
14 ~~98th General Assembly~~ and before January 1, 2017, a minor  
15 charged with a criminal offense under the Criminal Code of 1961  
16 or the Criminal Code of 2012 or adjudicated delinquent shall  
17 not be placed in the custody of or committed to the Department  
18 by any court, except (i) a minor less than 16 years of age  
19 committed to the Department under Section 5-710 of the Juvenile  
20 Court Act of 1987, (ii) a minor for whom an independent basis  
21 of abuse, neglect, or dependency exists, which must be defined  
22 by departmental rule, or (iii) a minor for whom the court has  
23 granted a supplemental petition to reinstate wardship pursuant  
24 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
25 1987. On and after January 1, 2017, a minor charged with a  
26 criminal offense under the Criminal Code of 1961 or the

1 Criminal Code of 2012 or adjudicated delinquent shall not be  
2 placed in the custody of or committed to the Department by any  
3 court, except (i) a minor less than 15 years of age committed  
4 to the Department under Section 5-710 of the Juvenile Court Act  
5 of 1987, ii) a minor for whom an independent basis of abuse,  
6 neglect, or dependency exists, which must be defined by  
7 departmental rule, or (iii) a minor for whom the court has  
8 granted a supplemental petition to reinstate wardship pursuant  
9 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
10 1987. An independent basis exists when the allegations or  
11 adjudication of abuse, neglect, or dependency do not arise from  
12 the same facts, incident, or circumstances which give rise to a  
13 charge or adjudication of delinquency. The Department shall  
14 assign a caseworker to attend any hearing involving a youth in  
15 the care and custody of the Department who is placed on  
16 aftercare release, including hearings involving sanctions for  
17 violation of aftercare release conditions and aftercare  
18 release revocation hearings.

19 As soon as is possible after August 7, 2009 (the effective  
20 date of Public Act 96-134), the Department shall develop and  
21 implement a special program of family preservation services to  
22 support intact, foster, and adoptive families who are  
23 experiencing extreme hardships due to the difficulty and stress  
24 of caring for a child who has been diagnosed with a pervasive  
25 developmental disorder if the Department determines that those  
26 services are necessary to ensure the health and safety of the

1 child. The Department may offer services to any family whether  
2 or not a report has been filed under the Abused and Neglected  
3 Child Reporting Act. The Department may refer the child or  
4 family to services available from other agencies in the  
5 community if the conditions in the child's or family's home are  
6 reasonably likely to subject the child or family to future  
7 reports of suspected child abuse or neglect. Acceptance of  
8 these services shall be voluntary. The Department shall develop  
9 and implement a public information campaign to alert health and  
10 social service providers and the general public about these  
11 special family preservation services. The nature and scope of  
12 the services offered and the number of families served under  
13 the special program implemented under this paragraph shall be  
14 determined by the level of funding that the Department annually  
15 allocates for this purpose. The term "pervasive developmental  
16 disorder" under this paragraph means a neurological condition,  
17 including but not limited to, Asperger's Syndrome and autism,  
18 as defined in the most recent edition of the Diagnostic and  
19 Statistical Manual of Mental Disorders of the American  
20 Psychiatric Association.

21 (1-1) The legislature recognizes that the best interests of  
22 the child require that the child be placed in the most  
23 permanent living arrangement as soon as is practically  
24 possible. To achieve this goal, the legislature directs the  
25 Department of Children and Family Services to conduct  
26 concurrent planning so that permanency may occur at the

1 earliest opportunity. Permanent living arrangements may  
2 include prevention of placement of a child outside the home of  
3 the family when the child can be cared for at home without  
4 endangering the child's health or safety; reunification with  
5 the family, when safe and appropriate, if temporary placement  
6 is necessary; or movement of the child toward the most  
7 permanent living arrangement and permanent legal status.

8 When determining reasonable efforts to be made with respect  
9 to a child, as described in this subsection, and in making such  
10 reasonable efforts, the child's health and safety shall be the  
11 paramount concern.

12 When a child is placed in foster care, the Department shall  
13 ensure and document that reasonable efforts were made to  
14 prevent or eliminate the need to remove the child from the  
15 child's home. The Department must make reasonable efforts to  
16 reunify the family when temporary placement of the child occurs  
17 unless otherwise required, pursuant to the Juvenile Court Act  
18 of 1987. At any time after the dispositional hearing where the  
19 Department believes that further reunification services would  
20 be ineffective, it may request a finding from the court that  
21 reasonable efforts are no longer appropriate. The Department is  
22 not required to provide further reunification services after  
23 such a finding.

24 A decision to place a child in substitute care shall be  
25 made with considerations of the child's health, safety, and  
26 best interests. At the time of placement, consideration should

1 also be given so that if reunification fails or is delayed, the  
2 placement made is the best available placement to provide  
3 permanency for the child.

4 The Department shall adopt rules addressing concurrent  
5 planning for reunification and permanency. The Department  
6 shall consider the following factors when determining  
7 appropriateness of concurrent planning:

8 (1) the likelihood of prompt reunification;

9 (2) the past history of the family;

10 (3) the barriers to reunification being addressed by  
11 the family;

12 (4) the level of cooperation of the family;

13 (5) the foster parents' willingness to work with the  
14 family to reunite;

15 (6) the willingness and ability of the foster family to  
16 provide an adoptive home or long-term placement;

17 (7) the age of the child;

18 (8) placement of siblings.

19 (m) The Department may assume temporary custody of any  
20 child if:

21 (1) it has received a written consent to such temporary  
22 custody signed by the parents of the child or by the parent  
23 having custody of the child if the parents are not living  
24 together or by the guardian or custodian of the child if  
25 the child is not in the custody of either parent, or

26 (2) the child is found in the State and neither a



1 parent, guardian nor custodian of the child can be located.  
2 If the child is found in his or her residence without a parent,  
3 guardian, custodian or responsible caretaker, the Department  
4 may, instead of removing the child and assuming temporary  
5 custody, place an authorized representative of the Department  
6 in that residence until such time as a parent, guardian or  
7 custodian enters the home and expresses a willingness and  
8 apparent ability to ensure the child's health and safety and  
9 resume permanent charge of the child, or until a relative  
10 enters the home and is willing and able to ensure the child's  
11 health and safety and assume charge of the child until a  
12 parent, guardian or custodian enters the home and expresses  
13 such willingness and ability to ensure the child's safety and  
14 resume permanent charge. After a caretaker has remained in the  
15 home for a period not to exceed 12 hours, the Department must  
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
17 5-415 of the Juvenile Court Act of 1987.

18 The Department shall have the authority, responsibilities  
19 and duties that a legal custodian of the child would have  
20 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
21 Act of 1987. Whenever a child is taken into temporary custody  
22 pursuant to an investigation under the Abused and Neglected  
23 Child Reporting Act, or pursuant to a referral and acceptance  
24 under the Juvenile Court Act of 1987 of a minor in limited  
25 custody, the Department, during the period of temporary custody  
26 and before the child is brought before a judicial officer as

1 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
2 Court Act of 1987, shall have the authority, responsibilities  
3 and duties that a legal custodian of the child would have under  
4 subsection (9) of Section 1-3 of the Juvenile Court Act of  
5 1987.

6 The Department shall ensure that any child taken into  
7 custody is scheduled for an appointment for a medical  
8 examination.

9 A parent, guardian or custodian of a child in the temporary  
10 custody of the Department who would have custody of the child  
11 if he were not in the temporary custody of the Department may  
12 deliver to the Department a signed request that the Department  
13 surrender the temporary custody of the child. The Department  
14 may retain temporary custody of the child for 10 days after the  
15 receipt of the request, during which period the Department may  
16 cause to be filed a petition pursuant to the Juvenile Court Act  
17 of 1987. If a petition is so filed, the Department shall retain  
18 temporary custody of the child until the court orders  
19 otherwise. If a petition is not filed within the 10-day ~~10-day~~  
20 period, the child shall be surrendered to the custody of the  
21 requesting parent, guardian or custodian not later than the  
22 expiration of the 10-day ~~10-day~~ period, at which time the  
23 authority and duties of the Department with respect to the  
24 temporary custody of the child shall terminate.

25 (m-1) The Department may place children under 18 years of  
26 age in a secure child care facility licensed by the Department

1 that cares for children who are in need of secure living  
2 arrangements for their health, safety, and well-being after a  
3 determination is made by the facility director and the Director  
4 or the Director's designate prior to admission to the facility  
5 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
6 This subsection (m-1) does not apply to a child who is subject  
7 to placement in a correctional facility operated pursuant to  
8 Section 3-15-2 of the Unified Code of Corrections, unless the  
9 child is a youth in care who was placed in the care of the  
10 Department before being subject to placement in a correctional  
11 facility and a court of competent jurisdiction has ordered  
12 placement of the child in a secure care facility.

13 (n) The Department may place children under 18 years of age  
14 in licensed child care facilities when in the opinion of the  
15 Department, appropriate services aimed at family preservation  
16 have been unsuccessful and cannot ensure the child's health and  
17 safety or are unavailable and such placement would be for their  
18 best interest. Payment for board, clothing, care, training and  
19 supervision of any child placed in a licensed child care  
20 facility may be made by the Department, by the parents or  
21 guardians of the estates of those children, or by both the  
22 Department and the parents or guardians, except that no  
23 payments shall be made by the Department for any child placed  
24 in a licensed child care facility for board, clothing, care,  
25 training and supervision of such a child that exceed the  
26 average per capita cost of maintaining and of caring for a

1 child in institutions for dependent or neglected children  
2 operated by the Department. However, such restriction on  
3 payments does not apply in cases where children require  
4 specialized care and treatment for problems of severe emotional  
5 disturbance, physical disability, social adjustment, or any  
6 combination thereof and suitable facilities for the placement  
7 of such children are not available at payment rates within the  
8 limitations set forth in this Section. All reimbursements for  
9 services delivered shall be absolutely inalienable by  
10 assignment, sale, attachment, garnishment or otherwise.

11 (n-1) The Department shall provide or authorize child  
12 welfare services, aimed at assisting minors to achieve  
13 sustainable self-sufficiency as independent adults, for any  
14 minor eligible for the reinstatement of wardship pursuant to  
15 subsection (2) of Section 2-33 of the Juvenile Court Act of  
16 1987, whether or not such reinstatement is sought or allowed,  
17 provided that the minor consents to such services and has not  
18 yet attained the age of 21. The Department shall have  
19 responsibility for the development and delivery of services  
20 under this Section. An eligible youth may access services under  
21 this Section through the Department of Children and Family  
22 Services or by referral from the Department of Human Services.  
23 Youth participating in services under this Section shall  
24 cooperate with the assigned case manager in developing an  
25 agreement identifying the services to be provided and how the  
26 youth will increase skills to achieve self-sufficiency. A

1 homeless shelter is not considered appropriate housing for any  
2 youth receiving child welfare services under this Section. The  
3 Department shall continue child welfare services under this  
4 Section to any eligible minor until the minor becomes 21 years  
5 of age, no longer consents to participate, or achieves  
6 self-sufficiency as identified in the minor's service plan. The  
7 Department of Children and Family Services shall create clear,  
8 readable notice of the rights of former foster youth to child  
9 welfare services under this Section and how such services may  
10 be obtained. The Department of Children and Family Services and  
11 the Department of Human Services shall disseminate this  
12 information statewide. The Department shall adopt regulations  
13 describing services intended to assist minors in achieving  
14 sustainable self-sufficiency as independent adults.

15 (o) The Department shall establish an administrative  
16 review and appeal process for children and families who request  
17 or receive child welfare services from the Department. Youth in  
18 care who are placed by private child welfare agencies, and  
19 foster families with whom those youth are placed, shall be  
20 afforded the same procedural and appeal rights as children and  
21 families in the case of placement by the Department, including  
22 the right to an initial review of a private agency decision by  
23 that agency. The Department shall ensure that any private child  
24 welfare agency, which accepts youth in care for placement,  
25 affords those rights to children and foster families. The  
26 Department shall accept for administrative review and an appeal

1 hearing a complaint made by (i) a child or foster family  
2 concerning a decision following an initial review by a private  
3 child welfare agency or (ii) a prospective adoptive parent who  
4 alleges a violation of subsection (j-5) of this Section. An  
5 appeal of a decision concerning a change in the placement of a  
6 child shall be conducted in an expedited manner. A court  
7 determination that a current foster home placement is necessary  
8 and appropriate under Section 2-28 of the Juvenile Court Act of  
9 1987 does not constitute a judicial determination on the merits  
10 of an administrative appeal, filed by a former foster parent,  
11 involving a change of placement decision.

12 (p) (Blank).

13 (q) The Department may receive and use, in their entirety,  
14 for the benefit of children any gift, donation or bequest of  
15 money or other property which is received on behalf of such  
16 children, or any financial benefits to which such children are  
17 or may become entitled while under the jurisdiction or care of  
18 the Department.

19 The Department shall set up and administer no-cost,  
20 interest-bearing accounts in appropriate financial  
21 institutions for children for whom the Department is legally  
22 responsible and who have been determined eligible for Veterans'  
23 Benefits, Social Security benefits, assistance allotments from  
24 the armed forces, court ordered payments, parental voluntary  
25 payments, Supplemental Security Income, Railroad Retirement  
26 payments, Black Lung benefits, or other miscellaneous

1 payments. Interest earned by each account shall be credited to  
2 the account, unless disbursed in accordance with this  
3 subsection.

4 In disbursing funds from children's accounts, the  
5 Department shall:

6 (1) Establish standards in accordance with State and  
7 federal laws for disbursing money from children's  
8 accounts. In all circumstances, the Department's  
9 "Guardianship Administrator" or his or her designee must  
10 approve disbursements from children's accounts. The  
11 Department shall be responsible for keeping complete  
12 records of all disbursements for each account for any  
13 purpose.

14 (2) Calculate on a monthly basis the amounts paid from  
15 State funds for the child's board and care, medical care  
16 not covered under Medicaid, and social services; and  
17 utilize funds from the child's account, as covered by  
18 regulation, to reimburse those costs. Monthly,  
19 disbursements from all children's accounts, up to 1/12 of  
20 \$13,000,000, shall be deposited by the Department into the  
21 General Revenue Fund and the balance over 1/12 of  
22 \$13,000,000 into the DCFS Children's Services Fund.

23 (3) Maintain any balance remaining after reimbursing  
24 for the child's costs of care, as specified in item (2).  
25 The balance shall accumulate in accordance with relevant  
26 State and federal laws and shall be disbursed to the child

1           or his or her guardian, or to the issuing agency.

2           (r)    The    Department    shall    promulgate    regulations  
3    encouraging all adoption agencies to voluntarily forward to the  
4    Department or its agent names and addresses of all persons who  
5    have applied for and have been approved for adoption of a  
6    hard-to-place child or child with a disability and the names of  
7    such children who have not been placed for adoption. A list of  
8    such names and addresses shall be maintained by the Department  
9    or its agent, and coded lists which maintain the  
10   confidentiality of the person seeking to adopt the child and of  
11   the child shall be made available, without charge, to every  
12   adoption agency in the State to assist the agencies in placing  
13   such children for adoption. The Department may delegate to an  
14   agent its duty to maintain and make available such lists. The  
15   Department shall ensure that such agent maintains the  
16   confidentiality of the person seeking to adopt the child and of  
17   the child.

18          (s)    The    Department    of    Children    and    Family    Services    may  
19    establish and implement a program to reimburse Department and  
20    private child welfare agency foster parents licensed by the  
21    Department of Children and Family Services for damages  
22    sustained by the foster parents as a result of the malicious or  
23    negligent acts of foster children, as well as providing third  
24    party coverage for such foster parents with regard to actions  
25    of foster children to other individuals. Such coverage will be  
26    secondary to the foster parent liability insurance policy, if



1 applicable. The program shall be funded through appropriations  
2 from the General Revenue Fund, specifically designated for such  
3 purposes.

4 (t) The Department shall perform home studies and  
5 investigations and shall exercise supervision over visitation  
6 as ordered by a court pursuant to the Illinois Marriage and  
7 Dissolution of Marriage Act or the Adoption Act only if:

8 (1) an order entered by an Illinois court specifically  
9 directs the Department to perform such services; and

10 (2) the court has ordered one or both of the parties to  
11 the proceeding to reimburse the Department for its  
12 reasonable costs for providing such services in accordance  
13 with Department rules, or has determined that neither party  
14 is financially able to pay.

15 The Department shall provide written notification to the  
16 court of the specific arrangements for supervised visitation  
17 and projected monthly costs within 60 days of the court order.  
18 The Department shall send to the court information related to  
19 the costs incurred except in cases where the court has  
20 determined the parties are financially unable to pay. The court  
21 may order additional periodic reports as appropriate.

22 (u) In addition to other information that must be provided,  
23 whenever the Department places a child with a prospective  
24 adoptive parent or parents or in a licensed foster home, group  
25 home, child care institution, or in a relative home, the  
26 Department shall provide to the prospective adoptive parent or

1 parents or other caretaker:

2 (1) available detailed information concerning the  
3 child's educational and health history, copies of  
4 immunization records (including insurance and medical card  
5 information), a history of the child's previous  
6 placements, if any, and reasons for placement changes  
7 excluding any information that identifies or reveals the  
8 location of any previous caretaker;

9 (2) a copy of the child's portion of the client service  
10 plan, including any visitation arrangement, and all  
11 amendments or revisions to it as related to the child; and

12 (3) information containing details of the child's  
13 individualized educational plan when the child is  
14 receiving special education services.

15 The caretaker shall be informed of any known social or  
16 behavioral information (including, but not limited to,  
17 criminal background, fire setting, perpetuation of sexual  
18 abuse, destructive behavior, and substance abuse) necessary to  
19 care for and safeguard the children to be placed or currently  
20 in the home. The Department may prepare a written summary of  
21 the information required by this paragraph, which may be  
22 provided to the foster or prospective adoptive parent in  
23 advance of a placement. The foster or prospective adoptive  
24 parent may review the supporting documents in the child's file  
25 in the presence of casework staff. In the case of an emergency  
26 placement, casework staff shall at least provide known

1 information verbally, if necessary, and must subsequently  
2 provide the information in writing as required by this  
3 subsection.

4 The information described in this subsection shall be  
5 provided in writing. In the case of emergency placements when  
6 time does not allow prior review, preparation, and collection  
7 of written information, the Department shall provide such  
8 information as it becomes available. Within 10 business days  
9 after placement, the Department shall obtain from the  
10 prospective adoptive parent or parents or other caretaker a  
11 signed verification of receipt of the information provided.  
12 Within 10 business days after placement, the Department shall  
13 provide to the child's guardian ad litem a copy of the  
14 information provided to the prospective adoptive parent or  
15 parents or other caretaker. The information provided to the  
16 prospective adoptive parent or parents or other caretaker shall  
17 be reviewed and approved regarding accuracy at the supervisory  
18 level.

19 (u-5) Effective July 1, 1995, only foster care placements  
20 licensed as foster family homes pursuant to the Child Care Act  
21 of 1969 shall be eligible to receive foster care payments from  
22 the Department. Relative caregivers who, as of July 1, 1995,  
23 were approved pursuant to approved relative placement rules  
24 previously promulgated by the Department at 89 Ill. Adm. Code  
25 335 and had submitted an application for licensure as a foster  
26 family home may continue to receive foster care payments only

1 until the Department determines that they may be licensed as a  
2 foster family home or that their application for licensure is  
3 denied or until September 30, 1995, whichever occurs first.

4 (v) The Department shall access criminal history record  
5 information as defined in the Illinois Uniform Conviction  
6 Information Act and information maintained in the adjudicatory  
7 and dispositional record system as defined in Section 2605-355  
8 of the Department of State Police Law (20 ILCS 2605/2605-355)  
9 if the Department determines the information is necessary to  
10 perform its duties under the Abused and Neglected Child  
11 Reporting Act, the Child Care Act of 1969, and the Children and  
12 Family Services Act. The Department shall provide for  
13 interactive computerized communication and processing  
14 equipment that permits direct on-line communication with the  
15 Department of State Police's central criminal history data  
16 repository. The Department shall comply with all certification  
17 requirements and provide certified operators who have been  
18 trained by personnel from the Department of State Police. In  
19 addition, one Office of the Inspector General investigator  
20 shall have training in the use of the criminal history  
21 information access system and have access to the terminal. The  
22 Department of Children and Family Services and its employees  
23 shall abide by rules and regulations established by the  
24 Department of State Police relating to the access and  
25 dissemination of this information.

26 (v-1) Prior to final approval for placement of a child, the

1 Department shall conduct a criminal records background check of  
2 the prospective foster or adoptive parent, including  
3 fingerprint-based checks of national crime information  
4 databases. Final approval for placement shall not be granted if  
5 the record check reveals a felony conviction for child abuse or  
6 neglect, for spousal abuse, for a crime against children, or  
7 for a crime involving violence, including rape, sexual assault,  
8 or homicide, but not including other physical assault or  
9 battery, or if there is a felony conviction for physical  
10 assault, battery, or a drug-related offense committed within  
11 the past 5 years.

12 (v-2) Prior to final approval for placement of a child, the  
13 Department shall check its child abuse and neglect registry for  
14 information concerning prospective foster and adoptive  
15 parents, and any adult living in the home. If any prospective  
16 foster or adoptive parent or other adult living in the home has  
17 resided in another state in the preceding 5 years, the  
18 Department shall request a check of that other state's child  
19 abuse and neglect registry.

20 (w) Within 120 days of August 20, 1995 (the effective date  
21 of Public Act 89-392), the Department shall prepare and submit  
22 to the Governor and the General Assembly, a written plan for  
23 the development of in-state licensed secure child care  
24 facilities that care for children who are in need of secure  
25 living arrangements for their health, safety, and well-being.  
26 For purposes of this subsection, secure care facility shall

1 mean a facility that is designed and operated to ensure that  
2 all entrances and exits from the facility, a building or a  
3 distinct part of the building, are under the exclusive control  
4 of the staff of the facility, whether or not the child has the  
5 freedom of movement within the perimeter of the facility,  
6 building, or distinct part of the building. The plan shall  
7 include descriptions of the types of facilities that are needed  
8 in Illinois; the cost of developing these secure care  
9 facilities; the estimated number of placements; the potential  
10 cost savings resulting from the movement of children currently  
11 out-of-state who are projected to be returned to Illinois; the  
12 necessary geographic distribution of these facilities in  
13 Illinois; and a proposed timetable for development of such  
14 facilities.

15 (x) The Department shall conduct annual credit history  
16 checks to determine the financial history of children placed  
17 under its guardianship pursuant to the Juvenile Court Act of  
18 1987. The Department shall conduct such credit checks starting  
19 when a youth in care turns 12 years old and each year  
20 thereafter for the duration of the guardianship as terminated  
21 pursuant to the Juvenile Court Act of 1987. The Department  
22 shall determine if financial exploitation of the child's  
23 personal information has occurred. If financial exploitation  
24 appears to have taken place or is presently ongoing, the  
25 Department shall notify the proper law enforcement agency, the  
26 proper State's Attorney, or the Attorney General.

1           (y) Beginning on July 22, 2010 (the effective date of  
2 Public Act 96-1189) ~~this amendatory Act of the 96th General~~  
3 ~~Assembly~~, a child with a disability who receives residential  
4 and educational services from the Department shall be eligible  
5 to receive transition services in accordance with Article 14 of  
6 the School Code from the age of 14.5 through age 21, inclusive,  
7 notwithstanding the child's residential services arrangement.  
8 For purposes of this subsection, "child with a disability"  
9 means a child with a disability as defined by the federal  
10 Individuals with Disabilities Education Improvement Act of  
11 2004.

12           (z) The Department shall access criminal history record  
13 information as defined as "background information" in this  
14 subsection and criminal history record information as defined  
15 in the Illinois Uniform Conviction Information Act for each  
16 Department employee or Department applicant. Each Department  
17 employee or Department applicant shall submit his or her  
18 fingerprints to the Department of State Police in the form and  
19 manner prescribed by the Department of State Police. These  
20 fingerprints shall be checked against the fingerprint records  
21 now and hereafter filed in the Department of State Police and  
22 the Federal Bureau of Investigation criminal history records  
23 databases. The Department of State Police shall charge a fee  
24 for conducting the criminal history record check, which shall  
25 be deposited into the State Police Services Fund and shall not  
26 exceed the actual cost of the record check. The Department of

1 State Police shall furnish, pursuant to positive  
2 identification, all Illinois conviction information to the  
3 Department of Children and Family Services.

4 For purposes of this subsection:

5 "Background information" means all of the following:

6 (i) Upon the request of the Department of Children and  
7 Family Services, conviction information obtained from the  
8 Department of State Police as a result of a  
9 fingerprint-based criminal history records check of the  
10 Illinois criminal history records database and the Federal  
11 Bureau of Investigation criminal history records database  
12 concerning a Department employee or Department applicant.

13 (ii) Information obtained by the Department of  
14 Children and Family Services after performing a check of  
15 the Department of State Police's Sex Offender Database, as  
16 authorized by Section 120 of the Sex Offender Community  
17 Notification Law, concerning a Department employee or  
18 Department applicant.

19 (iii) Information obtained by the Department of  
20 Children and Family Services after performing a check of  
21 the Child Abuse and Neglect Tracking System (CANTS)  
22 operated and maintained by the Department.

23 "Department employee" means a full-time or temporary  
24 employee coded or certified within the State of Illinois  
25 Personnel System.

26 "Department applicant" means an individual who has



1 conditional Department full-time or part-time work, a  
2 contractor, an individual used to replace or supplement staff,  
3 an academic intern, a volunteer in Department offices or on  
4 Department contracts, a work-study student, an individual or  
5 entity licensed by the Department, or an unlicensed service  
6 provider who works as a condition of a contract or an agreement  
7 and whose work may bring the unlicensed service provider into  
8 contact with Department clients or client records.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;  
10 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; revised  
11 1-22-18.)

12 Section 10. The Juvenile Court Act of 1987 is amended by  
13 changing Section 2-28 as follows:

14 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

15 Sec. 2-28. Court review.

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

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

19 (1.5) The public agency that is the custodian or guardian  
20 of the minor shall file a written report with the court no  
21 later than 15 days after a minor in the agency's care remains:

22 (1) in a shelter placement beyond 30 days;

23 (2) in a psychiatric hospital past the time when the  
24 minor is clinically ready for discharge or beyond medical  
25 necessity for the minor's health; or

26 (3) in a detention center or Department of Juvenile

1 Justice facility solely because the public agency cannot  
2 find an appropriate placement for the minor.

3 The report shall explain the steps the agency is taking to  
4 ensure the minor is placed appropriately, how the minor's needs  
5 are being met in the minor's shelter placement, and if a future  
6 placement has been identified by the Department, why the  
7 anticipated placement is appropriate for the needs of the minor  
8 and the anticipated placement date.

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

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

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

1 agency's report shall specify if a minor is placed in a  
2 licensed child care facility under a corrective plan by the  
3 Department due to concerns impacting the minor's safety and  
4 well-being. The report shall explain the steps the Department  
5 is taking to ensure the safety and well-being of the minor and  
6 that the minor's needs are met in the facility. The agency's  
7 written report must detail what progress or lack of progress  
8 the parent has made in correcting the conditions requiring the  
9 child to be in care; whether the child can be returned home  
10 without jeopardizing the child's health, safety, and welfare,  
11 and if not, what permanency goal is recommended to be in the  
12 best interests of the child, and why the other permanency goals  
13 are not appropriate. The caseworker must appear and testify at  
14 the permanency hearing. If a permanency hearing has not  
15 previously been scheduled by the court, the moving party shall  
16 move for the setting of a permanency hearing and the entry of  
17 an order within the time frames set forth in this subsection.

18 At the permanency hearing, the court shall determine the  
19 future status of the child. The court shall set one of the  
20 following permanency goals:

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

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

1 individual needs of the minor.

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

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

15 (D) Adoption, provided that parental rights have been  
16 terminated or relinquished.

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

20 (F) The minor over age 15 will be in substitute care  
21 pending independence. In selecting this permanency goal,  
22 the Department of Children and Family Services may provide  
23 services to enable reunification and to strengthen the  
24 minor's connections with family, fictive kin, and other  
25 responsible adults, provided the services are in the  
26 minor's best interest. The services shall be documented in

1       the service plan.

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

7           In selecting any permanency goal, the court shall indicate  
8 in writing the reasons the goal was selected and why the  
9 preceding goals were ruled out. Where the court has selected a  
10 permanency goal other than (A), (B), or (B-1), the Department  
11 of Children and Family Services shall not provide further  
12 reunification services, except as provided in paragraph (F) of  
13 this subsection (2), but shall provide services consistent with  
14 the goal selected.

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

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

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

22                   (3) The court has found compelling reasons, based  
23 on written documentation reviewed by the court, to  
24 place the minor in continuing foster care. Compelling  
25 reasons include:

26                           (a) the child does not wish to be adopted or to

1 be placed in the guardianship of his or her  
2 relative or foster care placement;

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

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

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

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

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



1 (1) Age of the child.

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

4 (3) Current placement of the child and the intent of  
5 the family regarding adoption.

6 (4) Emotional, physical, and mental status or  
7 condition of the child.

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

11 (6) Availability of services currently needed and  
12 whether the services exist.

13 (7) Status of siblings of the minor.

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

23 The court shall make findings as to whether, in violation  
24 of Section 8.2 of the Abused and Neglected Child Reporting Act,  
25 any portion of the service plan compels a child or parent to  
26 engage in any activity or refrain from any activity that is not

1 reasonably related to remedying a condition or conditions that  
2 gave rise or which could give rise to any finding of child  
3 abuse or neglect. The services contained in the service plan  
4 shall include services reasonably related to remedy the  
5 conditions that gave rise to removal of the child from the home  
6 of his or her parents, guardian, or legal custodian or that the  
7 court has found must be remedied prior to returning the child  
8 home. Any tasks the court requires of the parents, guardian, or  
9 legal custodian or child prior to returning the child home,  
10 must be reasonably related to remedying a condition or  
11 conditions that gave rise to or which could give rise to any  
12 finding of child abuse or neglect.

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

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

1 may enter an order requiring the Department to develop, modify  
2 or implement a Sibling Contact Support Plan, or order  
3 mediation.

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

7 If, after receiving evidence, the court determines that the  
8 services contained in the plan are not reasonably calculated to  
9 facilitate achievement of the permanency goal, the court shall  
10 put in writing the factual basis supporting the determination  
11 and enter specific findings based on the evidence. The court  
12 also shall enter an order for the Department to develop and  
13 implement a new service plan or to implement changes to the  
14 current service plan consistent with the court's findings. The  
15 new service plan shall be filed with the court and served on  
16 all parties within 45 days of the date of the order. The court  
17 shall continue the matter until the new service plan is filed.  
18 Except as authorized by subsection (2.5) of this Section and as  
19 otherwise specifically authorized by law, the court is not  
20 empowered under this Section to order specific placements,  
21 specific services, or specific service providers to be included  
22 in the service 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 ~~current or planned~~ is necessary, and  
23 appropriate to the plan and goal, recognizing the right  
24 of minors to the least restrictive (most family-like)  
25 setting available and in close proximity to the  
26 parents' home consistent with the health, safety, best

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

6 (iv) (Blank).

7 (v) (Blank).

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

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

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

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

1 exists.

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

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

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

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

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



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

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

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

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

20 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;  
21 100-229, eff. 1-1-18; revised 10-10-17.)