

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 6. The Custody Relinquishment Prevention Act is
13 amended by adding Sections 25, 30, and 40 as follows:

14 (20 ILCS 540/25 new)

15 Sec. 25. Specialized Family Support Program. For purposes
16 of addressing the problem of children remaining in psychiatric
17 hospitals beyond medical necessity, a child under 18 years of
18 age who has been diagnosed with a serious mental illness or
19 serious emotional disturbance and has been reported to, or is
20 at risk of being reported to the Department of Children and
21 Family Services Child Abuse Hotline as a minor at risk of
22 custody relinquishment shall be eligible for emergency access
23 to the Specialized Family Support Program for 90 days for
24 purposes of stabilizing the child and family, preventing a

1 psychiatric lockout, or custody relinquishment that leads to a
2 hospital stay beyond medical necessity.

3 (20 ILCS 540/30 new)

4 Sec. 30. Transition bed capacity.

5 (a) The Department of Healthcare and Family Services shall
6 use unspent or lapsed Individual Care Grant funds and Family
7 Support and Specialized Family Support Program funds to address
8 the shortage of Specialized Family Support Program transition
9 bed services for children that are appropriate for the acuity
10 level of the child's needs. The Department of Healthcare and
11 Family Services shall pay for increased capacity of Specialized
12 Family Support Program transition bed services beginning in
13 fiscal year 2019 using the Medicaid rate for residential
14 treatment plus consideration of an increased rate for capacity
15 building purposes. The Department of Healthcare and Family
16 Services shall work to develop this capacity in regions across
17 the State to ensure that a child is placed in a residential
18 treatment facility close to where the family resides to foster
19 family reunification. Within 60 days after the effective date
20 of this amendatory Act of the 100th General Assembly, the
21 Department of Healthcare and Family Services shall develop a
22 plan for increasing capacity for transitional bed services and
23 community-based treatment for the Family Support Program and
24 Specialized Family Support Program services that address the
25 acuity level of children in or at risk of psychiatric lockout

1 to ensure that the purchase of Specialized Family Support
2 Program transition bed services does not diminish the capacity
3 of longer term therapeutic residential treatment beds for youth
4 with high behavioral health needs. This report shall be
5 submitted to the General Assembly within 90 days after the
6 effective date of this amendatory Act of the 100th General
7 Assembly. The report to the General Assembly shall be filed
8 with the Clerk of the House of Representatives and the
9 Secretary of the Senate in electronic form only, in the manner
10 that the Clerk and the Secretary shall direct.

11 (b) Within 30 days after the effective date of this
12 amendatory Act of the 100th General Assembly the Department of
13 Children and Family Services shall increase its guaranteed
14 residential bed capacity by utilizing Department Rule Part 356
15 or the Illinois Purchased Care Review Board Rule.

16 (20 ILCS 540/40 new)

17 Sec. 40. Increasing awareness of the Family Support
18 Program.

19 (a) The Department of Healthcare and Family Services shall
20 undertake a one-year awareness campaign to educate hospitals
21 with in-patient psychiatric units for children on the
22 availability of services through the Family Support Program and
23 the Specialized Family Support Program for support of a child
24 with serious mental health needs. The campaign shall include
25 marketing materials for the programs, eligibility criteria,

1 information about the application process, and the value the
2 programs can bring to families to avoid psychiatric crises. The
3 Department shall begin this awareness campaign within 180 days
4 after the effective date of this amendatory Act of the 100th
5 General Assembly.

6 (b) This Section is repealed on July 15, 2020.

7 Section 7. The Mental Health and Developmental
8 Disabilities Administrative Act is amended by changing Section
9 7.1 as follows:

10 (20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

11 Sec. 7.1. Individual Care Grants.

12 (a) For the purposes of this Section 7.1, "Department"
13 means the Department of Healthcare and Family Services.

14 (b) To assist families in seeking intensive
15 community-based services or residential placement for children
16 with mental illness, for whom no appropriate care is available
17 in State-operated facilities, the Department shall supplement
18 the amount a family is able to pay, as determined by the
19 Department and the amount available from other sources,
20 provided the Department's share shall not exceed a uniform
21 maximum rate to be determined from time to time by the
22 Department. The Department may exercise the authority under
23 this Section as is necessary to implement the provisions of
24 Section 5-5.23 of the Illinois Public Aid Code and to

1 administer Individual Care Grants. The Department shall work
2 collaboratively with stakeholders and family representatives
3 in the implementation of this Section.

4 (c) A child shall continue to be eligible for an Individual
5 Care Grant if the child is placed in the temporary custody of
6 the Department of Children and Family Services under Article II
7 of the Juvenile Care Act of 1987 because the child was left at
8 a psychiatric hospital beyond medical necessity and an
9 application for the Family Support Program was pending with the
10 Department or an active application was being reviewed by the
11 Department when the petition under the Juvenile Court Act of
12 1987 was filed.

13 (d) If the Department determines that the child meets all
14 the eligibility criteria for Family Support Services and
15 approves the application, the Department shall notify the
16 parents and the Department of Children and Family Services. The
17 court hearing the child's case under the Juvenile Court Act of
18 1987 shall conduct a hearing within 14 days after all parties
19 have been notified and determine whether to vacate the custody
20 or guardianship of the Department of Children and Family
21 Services and return the child to the custody of his or her
22 parents with Family Support Services in place or whether the
23 child shall continue in the custody of the Department of
24 Children and Family Services and decline the Family Support
25 Program. The court shall conduct the hearing under Section 2-4b
26 of the Juvenile Court Act of 1987. If the court vacates the

1 custody or guardianship of the Department of Children and
2 Family Services and returns the child to the custody of the
3 respondent with Family Support Services, the Department shall
4 become fiscally responsible for providing services to the
5 child. If the court determines that the child shall continue in
6 the custody of the Department of Children and Family Services,
7 the Department of Children and Family Services shall remain
8 fiscally responsible for providing services to the child, the
9 Family Support Services shall be declined, and the child shall
10 no longer be eligible for Family Support Services.

11 (e) The Department shall provide an expedited review
12 process for applications for minors in the custody or
13 guardianship of the Department of Children and Family Services
14 who continue to remain eligible for Individual Care Grants. The
15 Department shall work collaboratively with stakeholders,
16 including legal representatives of minors in care, providers of
17 residential treatment services, and with the Department of
18 Children and Family Services, to ensure that minors who are
19 recipients of Individual Care Grants under this Section and
20 Section 2-4b of the Juvenile Court Act of 1987 do not
21 experience a disruption in services if the minor transitions
22 from one program to another. The Department shall adopt rules
23 to implement this Section no later than July 1, 2019.

24 (Source: P.A. 99-479, eff. 9-10-15.)

25 Section 10. The Juvenile Court Act of 1987 is amended by

1 changing Sections 2-23 and 2-28 and by adding Section 2-4b as
2 follows:

3 (705 ILCS 405/2-4b new)

4 Sec. 2-4b. Family Support Program services; hearing.

5 (a) Any minor who is placed in the custody or guardianship
6 of the Department of Children and Family Services under Article
7 II of this Act on the basis of a petition alleging that the
8 minor is dependent because the minor was left at a psychiatric
9 hospital beyond medical necessity, and for whom an application
10 for the Family Support Program was pending with the Department
11 of Healthcare and Family Services or an active application was
12 being reviewed by the Department of Healthcare and Family
13 Services at the time the petition was filed, shall continue to
14 be considered eligible for services if all other eligibility
15 criteria are met.

16 (b) The court shall conduct a hearing within 14 days upon
17 notification to all parties that an application for the Family
18 Support Program services has been approved and services are
19 available. At the hearing, the court shall determine whether to
20 vacate the custody or guardianship of the Department of
21 Children and Family Services and return the minor to the
22 custody of the respondent with Family Support Program services
23 or whether the minor shall continue to be in the custody or
24 guardianship of the Department of Children and Family Services
25 and decline the Family Support Program services. In making its

1 determination, the court shall consider the minor's best
2 interest, the involvement of the respondent in proceedings
3 under this Act, the involvement of the respondent in the
4 minor's treatment, the relationship between the minor and the
5 respondent, and any other factor the court deems relevant. If
6 the court vacates the custody or guardianship of the Department
7 of Children and Family Services and returns the minor to the
8 custody of the respondent with Family Support Services, the
9 Department of Healthcare and Family Services shall become
10 fiscally responsible for providing services to the minor. If
11 the court determines that the minor shall continue in the
12 custody of the Department of Children and Family Services, the
13 Department of Children and Family Services shall remain
14 fiscally responsible for providing services to the minor, the
15 Family Support Services shall be declined, and the minor shall
16 no longer be eligible for Family Support Services.

17 (c) This Section does not apply to a minor:

18 (1) for whom a petition has been filed under this Act
19 alleging that he or she is an abused or neglected minor;

20 (2) for whom the court has made a finding that he or
21 she is an abused or neglected minor under this Act; or

22 (3) who is in the temporary custody of the Department
23 of Children and Family Services and the minor has been the
24 subject of an indicated allegation of abuse or neglect,
25 other than for psychiatric lock-out, where a respondent was
26 the perpetrator within 5 years of the filing of the pending

1 petition.

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

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

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

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

19 However, in any case in which a minor is found by the
20 court to be neglected or abused under Section 2-3 of this
21 Act, custody of the minor shall not be restored to any
22 parent, guardian or legal custodian whose acts or omissions
23 or both have been identified, pursuant to subsection (1) of
24 Section 2-21, as forming the basis for the court's finding
25 of abuse or neglect, until such time as a hearing is held

1 on the issue of the best interests of the minor and the
2 fitness of such parent, guardian or legal custodian to care
3 for the minor without endangering the minor's health or
4 safety, and the court enters an order that such parent,
5 guardian or legal custodian is fit to care for the minor.

6 (b) A minor under 18 years of age found to be dependent
7 under Section 2-4 may be (1) placed in accordance with
8 Section 2-27 or (2) ordered partially or completely
9 emancipated in accordance with the provisions of the
10 Emancipation of Minors Act.

11 However, in any case in which a minor is found by the
12 court to be dependent under Section 2-4 of this Act,
13 custody of the minor shall not be restored to any parent,
14 guardian or legal custodian whose acts or omissions or both
15 have been identified, pursuant to subsection (1) of Section
16 2-21, as forming the basis for the court's finding of
17 dependency, until such time as a hearing is held on the
18 issue of the fitness of such parent, guardian or legal
19 custodian to care for the minor without endangering the
20 minor's health or safety, and the court enters an order
21 that such parent, guardian or legal custodian is fit to
22 care for the minor.

23 (b-1) A minor between the ages of 18 and 21 may be
24 placed pursuant to Section 2-27 of this Act if (1) the
25 court has granted a supplemental petition to reinstate
26 wardship of the minor pursuant to subsection (2) of Section

1 2-33, ~~or~~ (2) the court has adjudicated the minor a ward of
2 the court, permitted the minor to return home under an
3 order of protection, and subsequently made a finding that
4 it is in the minor's best interest to vacate the order of
5 protection and commit the minor to the Department of
6 Children and Family Services for care and service, or (3)
7 the court returned the minor to the custody of the
8 respondent under Section 2-4b of this Act without
9 terminating the proceedings under Section 2-31 of this Act,
10 and subsequently made a finding that it is in the minor's
11 best interest to commit the minor to the Department of
12 Children and Family Services for care and services.

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

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

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

1 under Section 2-31.

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

1 implement changes to the current service plan consistent with
2 the court's findings. The new service plan shall be filed with
3 the court and served on all parties within 45 days after the
4 date of the order. The court shall continue the matter until
5 the new service plan is filed. Except as authorized by
6 subsection (3.5) of this Section or authorized by law, the
7 court is not empowered under this Section to order specific
8 placements, specific services, or specific service providers
9 to be included in the service plan.

10 (3.5) If, after reviewing the evidence, including evidence
11 from the Department, the court determines that the minor's
12 current or planned placement is not necessary or appropriate to
13 facilitate achievement of the permanency goal, the court shall
14 put in writing the factual basis supporting its determination
15 and enter specific findings based on the evidence. If the court
16 finds that the minor's current or planned placement is not
17 necessary or appropriate, the court may enter an order
18 directing the Department to implement a recommendation by the
19 minor's treating clinician or a clinician contracted by the
20 Department to evaluate the minor or a recommendation made by
21 the Department. If the Department places a minor in a placement
22 under an order entered under this subsection (3.5), the
23 Department has the authority to remove the minor from that
24 placement when a change in circumstances necessitates the
25 removal to protect the minor's health, safety, and best
26 interest. If the Department determines removal is necessary,

1 the Department shall notify the parties of the planned
2 placement change in writing no later than 10 days prior to the
3 implementation of its determination unless remaining in the
4 placement poses an imminent risk of harm to the minor, in which
5 case the Department shall notify the parties of the placement
6 change in writing immediately following the implementation of
7 its decision. The Department shall notify others of the
8 decision to change the minor's placement as required by
9 Department rule.

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

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

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

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

9 (Source: P.A. 100-45, eff. 8-11-17.)

10 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

11 Sec. 2-28. Court review.

12 (1) The court may require any legal custodian or guardian
13 of the person appointed under this Act to report periodically
14 to the court or may cite him into court and require him or his
15 agency, to make a full and accurate report of his or its doings
16 in behalf of the minor. The custodian or guardian, within 10
17 days after such citation, or earlier if the court determines it
18 to be necessary to protect the health, safety, or welfare of
19 the minor, shall make the report, either in writing verified by
20 affidavit or orally under oath in open court, or otherwise as
21 the court directs. Upon the hearing of the report the court may
22 remove the custodian or guardian and appoint another in his
23 stead or restore the minor to the custody of his parents or
24 former guardian or custodian. However, custody of the minor
25 shall not be restored to any parent, guardian or legal

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

14 (1.5) The public agency that is the custodian or guardian
15 of the minor shall file a written report with the court no
16 later than 15 days after a minor in the agency's care remains:

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

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

21 (3) in a detention center or Department of Juvenile
22 Justice facility solely because the public agency cannot
23 find an appropriate placement for the minor.

24 The report shall explain the steps the agency is taking to
25 ensure the minor is placed appropriately, how the minor's needs
26 are being met in the minor's shelter placement, and if a future

1 placement has been identified by the Department, why the
2 anticipated placement is appropriate for the needs of the minor
3 and the anticipated placement date.

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

1 monitoring by the court does not further the health, safety or
2 best interest of the child and that this is a stable permanent
3 placement. The permanency hearings must occur within the time
4 frames set forth in this subsection and may not be delayed in
5 anticipation of a report from any source or due to the agency's
6 failure to timely file its written report (this written report
7 means the one required under the next paragraph and does not
8 mean the service plan also referred to in that paragraph).

9 The public agency that is the custodian or guardian of the
10 minor, or another agency responsible for the minor's care,
11 shall ensure that all parties to the permanency hearings are
12 provided a copy of the most recent service plan prepared within
13 the prior 6 months at least 14 days in advance of the hearing.
14 If not contained in the agency's service plan, the agency shall
15 also include a report setting forth (i) any special physical,
16 psychological, educational, medical, emotional, or other needs
17 of the minor or his or her family that are relevant to a
18 permanency or placement determination and (ii) for any minor
19 age 16 or over, a written description of the programs and
20 services that will enable the minor to prepare for independent
21 living. If not contained in the agency's service plan, the
22 agency's report shall specify if a minor is placed in a
23 licensed child care facility under a corrective plan by the
24 Department due to concerns impacting the minor's safety and
25 well-being. The report shall explain the steps the Department
26 is taking to ensure the safety and well-being of the minor and

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

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

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

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

23 (B-1) The minor will be in short-term care with a
24 continued goal to return home pending a status hearing.
25 When the court finds that a parent has not made reasonable
26 efforts or reasonable progress to date, the court shall

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

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

10 (D) Adoption, provided that parental rights have been
11 terminated or relinquished.

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

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

23 (G) The minor will be in substitute care because he or
24 she cannot be provided for in a home environment due to
25 developmental disabilities or mental illness or because he
26 or she is a danger to self or others, provided that goals

1 (A) through (D) have been ruled out.

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

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

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

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

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

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

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

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

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

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

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

22 (1) Age of the child.

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

25 (3) Current placement of the child and the intent of
26 the family regarding adoption.

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

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

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

8 (7) Status of siblings of the minor.

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

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

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

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

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

25 If the goal has been achieved, the court shall enter orders
26 that are necessary to conform the minor's legal custody and

1 status to those findings.

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

18 A guardian or custodian appointed by the court pursuant to
19 this Act shall file updated case plans with the court every 6
20 months.

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

24 (2.5) If, after reviewing the evidence, including evidence
25 from the Department, the court determines that the minor's
26 current or planned placement is not necessary or appropriate to

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

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

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

4 (b) If the permanency goal of the minor cannot be
5 achieved immediately, the specific reasons for continuing
6 the minor in the care of the Department of Children and
7 Family Services or other agency for short term placement,
8 and the following determinations:

9 (i) (Blank).

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

16 (iii) Whether the minor's current or planned
17 placement ~~current or planned~~ is necessary, and
18 appropriate to the plan and goal, recognizing the right
19 of minors to the least restrictive (most family-like)
20 setting available and in close proximity to the
21 parents' home consistent with the health, safety, best
22 interest and special needs of the minor and, if the
23 minor is placed out-of-State, whether the out-of-State
24 placement continues to be appropriate and consistent
25 with the health, safety, and best interest of the
26 minor.

1 (iv) (Blank).

2 (v) (Blank).

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

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

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

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

23 When parental rights have been terminated for a minimum
24 of 3 years and the child who is the subject of the
25 permanency hearing is 13 years old or older and is not
26 currently placed in a placement likely to achieve

1 permanency, the Department of Children and Family Services
2 shall make reasonable efforts to locate parents whose
3 rights have been terminated, except when the Court
4 determines that those efforts would be futile or
5 inconsistent with the subject child's best interests. The
6 Department of Children and Family Services shall assess the
7 appropriateness of the parent whose rights have been
8 terminated, and shall, as appropriate, foster and support
9 connections between the parent whose rights have been
10 terminated and the youth. The Department of Children and
11 Family Services shall document its determinations and
12 efforts to foster connections in the child's case plan.

13 Custody of the minor shall not be restored to any parent,
14 guardian or legal custodian in any case in which the minor is
15 found to be neglected or abused under Section 2-3 or dependent
16 under Section 2-4 of this Act, unless the minor can be cared
17 for at home without endangering his or her health or safety and
18 it is in the best interest of the minor, and if such neglect,
19 abuse, or dependency is found by the court under paragraph (1)
20 of Section 2-21 of this Act to have come about due to the acts
21 or omissions or both of such parent, guardian or legal
22 custodian, until such time as an investigation is made as
23 provided in paragraph (5) and a hearing is held on the issue of
24 the health, safety and best interest of the minor and the
25 fitness of such parent, guardian or legal custodian to care for
26 the minor and the court enters an order that such parent,

1 guardian or legal custodian is fit to care for the minor. In
2 the event that the minor has attained 18 years of age and the
3 guardian or custodian petitions the court for an order
4 terminating his guardianship or custody, guardianship or
5 custody shall terminate automatically 30 days after the receipt
6 of the petition unless the court orders otherwise. No legal
7 custodian or guardian of the person may be removed without his
8 consent until given notice and an opportunity to be heard by
9 the court.

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

17 (5) Whenever a parent, guardian, or legal custodian files a
18 motion for restoration of custody of the minor, and the minor
19 was adjudicated neglected, abused, or dependent as a result of
20 physical abuse, the court shall cause to be made an
21 investigation as to whether the movant has ever been charged
22 with or convicted of any criminal offense which would indicate
23 the likelihood of any further physical abuse to the minor.
24 Evidence of such criminal convictions shall be taken into
25 account in determining whether the minor can be cared for at
26 home without endangering his or her health or safety and

1 fitness of the parent, guardian, or legal custodian.

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

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

12 (c) All information obtained from any investigation
13 shall be confidential as provided in Section 5-150 of this
14 Act.

15 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;
16 100-229, eff. 1-1-18; revised 10-10-17.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.