



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2571

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.17
705 ILCS 405/2-28

from Ch. 23, par. 2212.17
from Ch. 37, par. 802-28

Amends the Child Care Act of 1969. Provides that "foster family home" means a facility for child care in residences of families who receive no more than 6 (rather than 8) children unrelated to them, unless all the children are of common parentage, or residences of relatives who receive no more than 6 related children placed by the Department of Children and Family Services, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home for any of the following reasons to allow: (1) a parenting youth in foster care to remain with the child of the parenting youth; (2) siblings to remain together; (3) a child with an established meaningful relationship with the family to remain with the family; or (4) a family with special training or skills to provide care to a child who has a severe disability. Amends the Juvenile Court Act of 1987. Provides that within 35 days after placing a child in its care in a qualified residential treatment program, as defined by the federal Social Security Act, the Department shall file a written report with the court and send copies of the report to all parties. Provides that within 20 days of the filing of the report, the court shall hold a hearing to consider the Department's report and determine whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and if the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child. Makes other changes. Effective October 1, 2019.

LRB101 09451 SLF 54549 b

1 AN ACT concerning minors.

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

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 2.17 as follows:

6 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

7 Sec. 2.17. "Foster family home" means a facility for child
8 care in residences of families who receive no more than 6 &
9 children unrelated to them, unless all the children are of
10 common parentage, or residences of relatives who receive no
11 more than 6 & related children placed by the Department, unless
12 the children are of common parentage, for the purpose of
13 providing family care and training for the children on a
14 full-time basis, except the Director of Children and Family
15 Services, pursuant to Department regulations, may waive the
16 numerical limitation of foster children who may be cared for in
17 a foster family home for any of the following reasons to allow:
18 (1) a parenting youth in foster care to remain with the child
19 of the parenting youth; (2) siblings to remain together; (3) a
20 child with an established meaningful relationship with the
21 family to remain with the family; or (4) a family with special
22 training or skills to provide care to a child who has a severe
23 disability limit of 8 children unrelated to an adoptive family

1 ~~for good cause and only to facilitate an adoptive placement.~~

2 The family's or relative's own children, under 18 years of age,
3 shall be included in determining the maximum number of children
4 served. For purposes of this Section, a "relative" includes any
5 person, 21 years of age or over, other than the parent, who (i)
6 is currently related to the child in any of the following ways
7 by blood or adoption: grandparent, sibling, great-grandparent,
8 uncle, aunt, nephew, niece, first cousin, great-uncle, or
9 great-aunt; or (ii) is the spouse of such a relative; or (iii)
10 is a child's step-father, step-mother, or adult step-brother or
11 step-sister; or (iv) is a fictive kin; "relative" also includes
12 a person related in any of the foregoing ways to a sibling of a
13 child, even though the person is not related to the child, when
14 the child and its sibling are placed together with that person.
15 For purposes of placement of children pursuant to Section 7 of
16 the Children and Family Services Act and for purposes of
17 licensing requirements set forth in Section 4 of this Act, for
18 children under the custody or guardianship of the Department
19 pursuant to the Juvenile Court Act of 1987, after a parent
20 signs a consent, surrender, or waiver or after a parent's
21 rights are otherwise terminated, and while the child remains in
22 the custody or guardianship of the Department, the child is
23 considered to be related to those to whom the child was related
24 under this Section prior to the signing of the consent,
25 surrender, or waiver or the order of termination of parental
26 rights. The term "foster family home" includes homes receiving

1 children from any State-operated institution for child care; or
2 from any agency established by a municipality or other
3 political subdivision of the State of Illinois authorized to
4 provide care for children outside their own homes. The term
5 "foster family home" does not include an "adoption-only home"
6 as defined in Section 2.23 of this Act. The types of foster
7 family homes are defined as follows:

8 (a) "Boarding home" means a foster family home which
9 receives payment for regular full-time care of a child or
10 children.

11 (b) "Free home" means a foster family home other than
12 an adoptive home which does not receive payments for the
13 care of a child or children.

14 (c) "Adoptive home" means a foster family home which
15 receives a child or children for the purpose of adopting
16 the child or children, but does not include an
17 adoption-only home.

18 (d) "Work-wage home" means a foster family home which
19 receives a child or children who pay part or all of their
20 board by rendering some services to the family not
21 prohibited by the Child Labor Law or by standards or
22 regulations of the Department prescribed under this Act.
23 The child or children may receive a wage in connection with
24 the services rendered the foster family.

25 (e) "Agency-supervised home" means a foster family
26 home under the direct and regular supervision of a licensed

1 child welfare agency, of the Department of Children and
2 Family Services, of a circuit court, or of any other State
3 agency which has authority to place children in child care
4 facilities, and which receives no more than 8 children,
5 unless of common parentage, who are placed and are
6 regularly supervised by one of the specified agencies.

7 (f) "Independent home" means a foster family home,
8 other than an adoptive home, which receives no more than 4
9 children, unless of common parentage, directly from
10 parents, or other legally responsible persons, by
11 independent arrangement and which is not subject to direct
12 and regular supervision of a specified agency except as
13 such supervision pertains to licensing by the Department.

14 (Source: P.A. 98-804, eff. 1-1-15; 98-846, eff. 1-1-15; 99-78,
15 eff. 7-20-15; 99-833, eff. 1-1-17.)

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

18 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

19 Sec. 2-28. Court review.

20 (1) The court may require any legal custodian or guardian
21 of the person appointed under this Act to report periodically
22 to the court or may cite him into court and require him or his
23 agency, to make a full and accurate report of his or its doings
24 in behalf of the minor. The custodian or guardian, within 10

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

23 (1.5) The public agency that is the custodian or guardian
24 of the minor shall file a written report with the court no
25 later than 15 days after a minor in the agency's care remains:

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

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

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

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

13 (1.6) Within 35 days after placing a child in its care in a
14 qualified residential treatment program, as defined by the
15 federal Social Security Act, the Department of Children and
16 Family Services shall file a written report with the court and
17 send copies of the report to all parties. Within 20 days of the
18 filing of the report, the court shall hold a hearing to
19 consider the Department's report and determine whether
20 placement of the child in a qualified residential treatment
21 program provides the most effective and appropriate level of
22 care for the child in the least restrictive environment and if
23 the placement is consistent with the short-term and long-term
24 goals for the child, as specified in the permanency plan for
25 the child. The court shall approve or disapprove the placement.
26 If applicable, the requirements of Sections 2-27.1 and 2-27.2

1 must also be met. The Department's written report and the
2 court's written determination shall be included in and made
3 part of the case plan for the child. If the child remains
4 placed in a qualified residential treatment program, the
5 Department shall submit evidence at each status and permanency
6 hearing:

7 (1) demonstrating that on-going assessment of the
8 strengths and needs of the child continues to support the
9 determination that the child's needs cannot be met through
10 placement in a foster family home, that the placement
11 provides the most effective and appropriate level of care
12 for the child in the least restrictive, appropriate
13 environment, and that the placement is consistent with the
14 short-term and long-term permanency goal for the child, as
15 specified in the permanency plan for the child;

16 (2) documenting the specific treatment or service
17 needs that should be met for the child in the placement and
18 the length of time the child is expected to need the
19 treatment or services; and

20 (3) the efforts made by the agency to prepare the child
21 to return home or to be placed with a fit and willing
22 relative, a legal guardian, or an adoptive parent, or in a
23 foster family home.

24 (2) The first permanency hearing shall be conducted by the
25 judge. Subsequent permanency hearings may be heard by a judge
26 or by hearing officers appointed or approved by the court in

1 the manner set forth in Section 2-28.1 of this Act. The initial
2 hearing shall be held (a) within 12 months from the date
3 temporary custody was taken, regardless of whether an
4 adjudication or dispositional hearing has been completed
5 within that time frame, (b) if the parental rights of both
6 parents have been terminated in accordance with the procedure
7 described in subsection (5) of Section 2-21, within 30 days of
8 the order for termination of parental rights and appointment of
9 a guardian with power to consent to adoption, or (c) in
10 accordance with subsection (2) of Section 2-13.1. Subsequent
11 permanency hearings shall be held every 6 months or more
12 frequently if necessary in the court's determination following
13 the initial permanency hearing, in accordance with the
14 standards set forth in this Section, until the court determines
15 that the plan and goal have been achieved. Once the plan and
16 goal have been achieved, if the minor remains in substitute
17 care, the case shall be reviewed at least every 6 months
18 thereafter, subject to the provisions of this Section, unless
19 the minor is placed in the guardianship of a suitable relative
20 or other person and the court determines that further
21 monitoring by the court does not further the health, safety or
22 best interest of the child and that this is a stable permanent
23 placement. The permanency hearings must occur within the time
24 frames set forth in this subsection and may not be delayed in
25 anticipation of a report from any source or due to the agency's
26 failure to timely file its written report (this written report

1 means the one required under the next paragraph and does not
2 mean the service plan also referred to in that paragraph).

3 The public agency that is the custodian or guardian of the
4 minor, or another agency responsible for the minor's care,
5 shall ensure that all parties to the permanency hearings are
6 provided a copy of the most recent service plan prepared within
7 the prior 6 months at least 14 days in advance of the hearing.
8 If not contained in the agency's service plan, the agency shall
9 also include a report setting forth (i) any special physical,
10 psychological, educational, medical, emotional, or other needs
11 of the minor or his or her family that are relevant to a
12 permanency or placement determination and (ii) for any minor
13 age 16 or over, a written description of the programs and
14 services that will enable the minor to prepare for independent
15 living. If not contained in the agency's service plan, the
16 agency's report shall specify if a minor is placed in a
17 licensed child care facility under a corrective plan by the
18 Department due to concerns impacting the minor's safety and
19 well-being. The report shall explain the steps the Department
20 is taking to ensure the safety and well-being of the minor and
21 that the minor's needs are met in the facility. The agency's
22 written report must detail what progress or lack of progress
23 the parent has made in correcting the conditions requiring the
24 child to be in care; whether the child can be returned home
25 without jeopardizing the child's health, safety, and welfare,
26 and if not, what permanency goal is recommended to be in the

1 best interests of the child, and why the other permanency goals
2 are not appropriate. The caseworker must appear and testify at
3 the permanency hearing. If a permanency hearing has not
4 previously been scheduled by the court, the moving party shall
5 move for the setting of a permanency hearing and the entry of
6 an order within the time frames set forth in this subsection.

7 At the permanency hearing, the court shall determine the
8 future status of the child. The court shall set one of the
9 following permanency goals:

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

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

17 (B-1) The minor will be in short-term care with a
18 continued goal to return home pending a status hearing.
19 When the court finds that a parent has not made reasonable
20 efforts or reasonable progress to date, the court shall
21 identify what actions the parent and the Department must
22 take in order to justify a finding of reasonable efforts or
23 reasonable progress and shall set a status hearing to be
24 held not earlier than 9 months from the date of
25 adjudication nor later than 11 months from the date of
26 adjudication during which the parent's progress will again

1 be reviewed.

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

4 (D) Adoption, provided that parental rights have been
5 terminated or relinquished.

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

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

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

22 In selecting any permanency goal, the court shall indicate
23 in writing the reasons the goal was selected and why the
24 preceding goals were ruled out. Where the court has selected a
25 permanency goal other than (A), (B), or (B-1), the Department
26 of Children and Family Services shall not provide further

1 reunification services, except as provided in paragraph (F) of
2 this subsection (2), but shall provide services consistent with
3 the goal selected.

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

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

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

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

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

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

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

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

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

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

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

16 (1) Age of the child.

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

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

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

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

26 (6) Availability of services currently needed and

1 whether the services exist.

2 (7) Status of siblings of the minor.

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

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

1 finding of child abuse or neglect.

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

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

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

22 If, after receiving evidence, the court determines that the
23 services contained in the plan are not reasonably calculated to
24 facilitate achievement of the permanency goal, the court shall
25 put in writing the factual basis supporting the determination
26 and enter specific findings based on the evidence. The court

1 also shall enter an order for the Department to develop and
2 implement a new service plan or to implement changes to the
3 current service plan consistent with the court's findings. The
4 new service plan shall be filed with the court and served on
5 all parties within 45 days of the date of the order. The court
6 shall continue the matter until the new service plan is filed.
7 Except as authorized by subsection (2.5) of this Section and as
8 otherwise specifically authorized by law, the court is not
9 empowered under this Section to order specific placements,
10 specific services, or specific service providers to be included
11 in the service plan.

12 A guardian or custodian appointed by the court pursuant to
13 this Act shall file updated case plans with the court every 6
14 months.

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

18 (2.5) If, after reviewing the evidence, including evidence
19 from the Department, the court determines that the minor's
20 current or planned placement is not necessary or appropriate to
21 facilitate achievement of the permanency goal, the court shall
22 put in writing the factual basis supporting its determination
23 and enter specific findings based on the evidence. If the court
24 finds that the minor's current or planned placement is not
25 necessary or appropriate, the court may enter an order
26 directing the Department to implement a recommendation by the

1 minor's treating clinician or a clinician contracted by the
2 Department to evaluate the minor or a recommendation made by
3 the Department. If the Department places a minor in a placement
4 under an order entered under this subsection (2.5), the
5 Department has the authority to remove the minor from that
6 placement when a change in circumstances necessitates the
7 removal to protect the minor's health, safety, and best
8 interest. If the Department determines removal is necessary,
9 the Department shall notify the parties of the planned
10 placement change in writing no later than 10 days prior to the
11 implementation of its determination unless remaining in the
12 placement poses an imminent risk of harm to the minor, in which
13 case the Department shall notify the parties of the placement
14 change in writing immediately following the implementation of
15 its decision. The Department shall notify others of the
16 decision to change the minor's placement as required by
17 Department rule.

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

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

24 (b) If the permanency goal of the minor cannot be
25 achieved immediately, the specific reasons for continuing
26 the minor in the care of the Department of Children and

1 Family Services or other agency for short term placement,
2 and the following determinations:

3 (i) (Blank).

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

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

20 (iv) (Blank).

21 (v) (Blank).

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

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

2 (a) The Department, the minor, or the current foster
3 parent or relative caregiver seeking private guardianship
4 may file a motion for private guardianship of the minor.
5 Appointment of a guardian under this Section requires
6 approval of the court.

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

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

1 terminated, and shall, as appropriate, foster and support
2 connections between the parent whose rights have been
3 terminated and the youth. The Department of Children and
4 Family Services shall document its determinations and
5 efforts to foster connections in the child's case plan.

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

1 consent until given notice and an opportunity to be heard by
2 the court.

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

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

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

24 (b) The information derived from the investigation and
25 any conclusions or recommendations derived from the
26 information shall be provided to the parent, guardian, or

1 legal custodian seeking restoration of custody prior to the
2 hearing on fitness and the movant shall have an opportunity
3 at the hearing to refute the information or contest its
4 significance.

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

8 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;
9 100-229, eff. 1-1-18; 100-863, eff. 8-14-18; 100-978, eff.
10 8-19-18.)

11 Section 99. Effective date. This Act takes effect October
12 1, 2019.