



Rep. Sara Feigenholtz

Filed: 2/28/2019

10100HB2571ham001

LRB101 09451 SLF 56788 a

1 AMENDMENT TO HOUSE BILL 2571

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2571 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Child Care Act of 1969 is amended by  
5 changing Sections 2.17 and 4 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

1 a foster family home for any of the following reasons to allow:

2 (1) a parenting youth in foster care to remain with the child

3 of the parenting youth; (2) siblings to remain together; (3) a

4 child with an established meaningful relationship with the

5 family to remain with the family; or (4) a family with special

6 training or skills to provide care to a child who has a severe

7 disability limit of 8 children unrelated to an adoptive family

8 for good cause and only to facilitate an adoptive placement.

9 The family's or relative's own children, under 18 years of age,

10 shall be included in determining the maximum number of children

11 served. For purposes of this Section, a "relative" includes any

12 person, 21 years of age or over, other than the parent, who (i)

13 is currently related to the child in any of the following ways

14 by blood or adoption: grandparent, sibling, great-grandparent,

15 uncle, aunt, nephew, niece, first cousin, great-uncle, or

16 great-aunt; or (ii) is the spouse of such a relative; or (iii)

17 is a child's step-father, step-mother, or adult step-brother or

18 step-sister; or (iv) is a fictive kin; "relative" also includes

19 a person related in any of the foregoing ways to a sibling of a

20 child, even though the person is not related to the child, when

21 the child and its sibling are placed together with that person.

22 For purposes of placement of children pursuant to Section 7 of

23 the Children and Family Services Act and for purposes of

24 licensing requirements set forth in Section 4 of this Act, for

25 children under the custody or guardianship of the Department

26 pursuant to the Juvenile Court Act of 1987, after a parent

1 signs a consent, surrender, or waiver or after a parent's  
2 rights are otherwise terminated, and while the child remains in  
3 the custody or guardianship of the Department, the child is  
4 considered to be related to those to whom the child was related  
5 under this Section prior to the signing of the consent,  
6 surrender, or waiver or the order of termination of parental  
7 rights. The term "foster family home" includes homes receiving  
8 children from any State-operated institution for child care; or  
9 from any agency established by a municipality or other  
10 political subdivision of the State of Illinois authorized to  
11 provide care for children outside their own homes. The term  
12 "foster family home" does not include an "adoption-only home"  
13 as defined in Section 2.23 of this Act. The types of foster  
14 family homes are defined as follows:

15 (a) "Boarding home" means a foster family home which  
16 receives payment for regular full-time care of a child or  
17 children.

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

21 (c) "Adoptive home" means a foster family home which  
22 receives a child or children for the purpose of adopting  
23 the child or children, but does not include an  
24 adoption-only home.

25 (d) "Work-wage home" means a foster family home which  
26 receives a child or children who pay part or all of their

1 board by rendering some services to the family not  
2 prohibited by the Child Labor Law or by standards or  
3 regulations of the Department prescribed under this Act.  
4 The child or children may receive a wage in connection with  
5 the services rendered the foster family.

6 (e) "Agency-supervised home" means a foster family  
7 home under the direct and regular supervision of a licensed  
8 child welfare agency, of the Department of Children and  
9 Family Services, of a circuit court, or of any other State  
10 agency which has authority to place children in child care  
11 facilities, and which receives no more than 8 children,  
12 unless of common parentage, who are placed and are  
13 regularly supervised by one of the specified agencies.

14 (f) "Independent home" means a foster family home,  
15 other than an adoptive home, which receives no more than 4  
16 children, unless of common parentage, directly from  
17 parents, or other legally responsible persons, by  
18 independent arrangement and which is not subject to direct  
19 and regular supervision of a specified agency except as  
20 such supervision pertains to licensing by the Department.

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

23 (225 ILCS 10/4) (from Ch. 23, par. 2214)

24 Sec. 4. License requirement; application; notice.

25 (a) Any person, group of persons or corporation who or

1 which receives children or arranges for care or placement of  
2 one or more children unrelated to the operator must apply for a  
3 license to operate one of the types of facilities defined in  
4 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any  
5 relative, as defined in Section 2.17 of this Act, who receives  
6 a child or children for placement by the Department on a  
7 full-time basis may apply for a license to operate a foster  
8 family home as defined in Section 2.17 of this Act.

9 (a-5) Any agency, person, group of persons, association,  
10 organization, corporation, institution, center, or group  
11 providing adoption services must be licensed by the Department  
12 as a child welfare agency as defined in Section 2.08 of this  
13 Act. "Providing adoption services" as used in this Act,  
14 includes facilitating or engaging in adoption services.

15 (b) Application for a license to operate a child care  
16 facility must be made to the Department in the manner and on  
17 forms prescribed by it. An application to operate a foster  
18 family home shall include, at a minimum: a completed written  
19 form; written authorization by the applicant and all adult  
20 members of the applicant's household to conduct a criminal  
21 background investigation; medical evidence in the form of a  
22 medical report, on forms prescribed by the Department, that the  
23 applicant and all members of the household are free from  
24 communicable diseases or physical and mental conditions that  
25 affect their ability to provide care for the child or children;  
26 the names and addresses of at least 3 persons not related to

1 the applicant who can attest to the applicant's moral  
2 character; the name and address of at least one relative who  
3 can attest to the applicant's capability to care for the child  
4 or children; and fingerprints submitted by the applicant and  
5 all adult members of the applicant's household.

6 (b-5) Prior to submitting an application for a foster  
7 family home license, a quality of care concerns applicant as  
8 defined in Section 2.22a of this Act must submit a preliminary  
9 application to the Department in the manner and on forms  
10 prescribed by it. The Department shall explain to the quality  
11 of care concerns applicant the grounds for requiring a  
12 preliminary application. The preliminary application shall  
13 include a list of (i) all children placed in the home by the  
14 Department who were removed by the Department for reasons other  
15 than returning to a parent and the circumstances under which  
16 they were removed and (ii) all children placed by the  
17 Department who were subsequently adopted by or placed in the  
18 private guardianship of the quality of care concerns applicant  
19 who are currently under 18 and who no longer reside in the home  
20 and the reasons why they no longer reside in the home. The  
21 preliminary application shall also include, if the quality of  
22 care concerns applicant chooses to submit, (1) a response to  
23 the quality of care concerns, including any reason the concerns  
24 are invalid, have been addressed or ameliorated, or no longer  
25 apply and (2) affirmative documentation demonstrating that the  
26 quality of care concerns applicant's home does not pose a risk

1 to children and that the family will be able to meet the  
2 physical and emotional needs of children. The Department shall  
3 verify the information in the preliminary application and  
4 review (i) information regarding any prior licensing  
5 complaints, (ii) information regarding any prior child abuse or  
6 neglect investigations, and (iii) information regarding any  
7 involuntary foster home holds placed on the home by the  
8 Department. Foster home applicants with quality of care  
9 concerns are presumed unsuitable for future licensure.

10 Notwithstanding the provisions of this subsection (b-5),  
11 the Department may make an exception and issue a foster family  
12 license to a quality of care concerns applicant if the  
13 Department is satisfied that the foster family home does not  
14 pose a risk to children and that the foster family will be able  
15 to meet the physical and emotional needs of children. In making  
16 this determination, the Department must obtain and carefully  
17 review all relevant documents and shall obtain consultation  
18 from its Clinical Division as appropriate and as prescribed by  
19 Department rule and procedure. The Department has the authority  
20 to deny a preliminary application based on the record of  
21 quality of care concerns of the foster family home. In the  
22 alternative, the Department may (i) approve the preliminary  
23 application, (ii) approve the preliminary application subject  
24 to obtaining additional information or assessments, or (iii)  
25 approve the preliminary application for purposes of placing a  
26 particular child or children only in the foster family home. If

1 the Department approves a preliminary application, the foster  
2 family shall submit an application for licensure as described  
3 in subsection (b) of this Section. The Department shall notify  
4 the quality of care concerns applicant of its decision and the  
5 basis for its decision in writing.

6 (c) The Department shall notify the public when a child  
7 care institution, maternity center, or group home licensed by  
8 the Department undergoes a change in (i) the range of care or  
9 services offered at the facility, (ii) the age or type of  
10 children served, or (iii) the area within the facility used by  
11 children. The Department shall notify the public of the change  
12 in a newspaper of general circulation in the county or  
13 municipality in which the applicant's facility is or is  
14 proposed to be located.

15 (d) If, upon examination of the facility and investigation  
16 of persons responsible for care of children and, in the case of  
17 a foster home, taking into account information obtained for  
18 purposes of evaluating a preliminary application, if  
19 applicable, the Department is satisfied that the facility and  
20 responsible persons reasonably meet standards prescribed for  
21 the type of facility for which application is made, it shall  
22 issue a license in proper form, designating on that license the  
23 type of child care facility and, except for a child welfare  
24 agency, the number of children to be served at any one time.

25 (e) The Department shall not issue or renew the license of  
26 any child welfare agency providing adoption services, unless



1 the agency (i) is officially recognized by the United States  
2 Internal Revenue Service as a tax-exempt organization  
3 described in Section 501(c)(3) of the Internal Revenue Code of  
4 1986 (or any successor provision of federal tax law) and (ii)  
5 is in compliance with all of the standards necessary to  
6 maintain its status as an organization described in Section  
7 501(c)(3) of the Internal Revenue Code of 1986 (or any  
8 successor provision of federal tax law). The Department shall  
9 grant a grace period of 24 months from the effective date of  
10 this amendatory Act of the 94th General Assembly for existing  
11 child welfare agencies providing adoption services to obtain  
12 501(c)(3) status. The Department shall permit an existing child  
13 welfare agency that converts from its current structure in  
14 order to be recognized as a 501(c)(3) organization as required  
15 by this Section to either retain its current license or  
16 transfer its current license to a newly formed entity, if the  
17 creation of a new entity is required in order to comply with  
18 this Section, provided that the child welfare agency  
19 demonstrates that it continues to meet all other licensing  
20 requirements and that the principal officers and directors and  
21 programs of the converted child welfare agency or newly  
22 organized child welfare agency are substantially the same as  
23 the original. The Department shall have the sole discretion to  
24 grant a one year extension to any agency unable to obtain  
25 501(c)(3) status within the timeframe specified in this  
26 subsection (e), provided that such agency has filed an

1 application for 501(c)(3) status with the Internal Revenue  
2 Service within the 2-year timeframe specified in this  
3 subsection (e).

4 (Source: P.A. 98-804, eff. 1-1-15; 99-779, eff. 1-1-17.)

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

7 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

8 Sec. 2-28. Court review.

9 (1) The court may require any legal custodian or guardian  
10 of the person appointed under this Act to report periodically  
11 to the court or may cite him into court and require him or his  
12 agency, to make a full and accurate report of his or its doings  
13 in behalf of the minor. The custodian or guardian, within 10  
14 days after such citation, or earlier if the court determines it  
15 to be necessary to protect the health, safety, or welfare of  
16 the minor, shall make the report, either in writing verified by  
17 affidavit or orally under oath in open court, or otherwise as  
18 the court directs. Upon the hearing of the report the court may  
19 remove the custodian or guardian and appoint another in his  
20 stead or restore the minor to the custody of his parents or  
21 former guardian or custodian. However, custody of the minor  
22 shall not be restored to any parent, guardian or legal  
23 custodian in any case in which the minor is found to be  
24 neglected or abused under Section 2-3 or dependent under

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

12 (1.5) The public agency that is the custodian or guardian  
13 of the minor shall file a written report with the court no  
14 later than 15 days after a minor in the agency's care remains:

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

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

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

22 The report shall explain the steps the agency is taking to  
23 ensure the minor is placed appropriately, how the minor's needs  
24 are being met in the minor's shelter placement, and if a future  
25 placement has been identified by the Department, why the  
26 anticipated placement is appropriate for the needs of the minor

1 and the anticipated placement date.

2 (1.6) Within 35 days after placing a child in its care in a  
3 qualified residential treatment program, as defined by the  
4 federal Social Security Act, the Department of Children and  
5 Family Services shall file a written report with the court and  
6 send copies of the report to all parties. Within 20 days of the  
7 filing of the report, the court shall hold a hearing to  
8 consider the Department's report and determine whether  
9 placement of the child in a qualified residential treatment  
10 program provides the most effective and appropriate level of  
11 care for the child in the least restrictive environment and if  
12 the placement is consistent with the short-term and long-term  
13 goals for the child, as specified in the permanency plan for  
14 the child. The court shall approve or disapprove the placement.  
15 If applicable, the requirements of Sections 2-27.1 and 2-27.2  
16 must also be met. The Department's written report and the  
17 court's written determination shall be included in and made  
18 part of the case plan for the child. If the child remains  
19 placed in a qualified residential treatment program, the  
20 Department shall submit evidence at each status and permanency  
21 hearing:

22 (1) demonstrating that on-going assessment of the  
23 strengths and needs of the child continues to support the  
24 determination that the child's needs cannot be met through  
25 placement in a foster family home, that the placement  
26 provides the most effective and appropriate level of care

1       for the child in the least restrictive, appropriate  
2       environment, and that the placement is consistent with the  
3       short-term and long-term permanency goal for the child, as  
4       specified in the permanency plan for the child;

5       (2) documenting the specific treatment or service  
6       needs that should be met for the child in the placement and  
7       the length of time the child is expected to need the  
8       treatment or services; and

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

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

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

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

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

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

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

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

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

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

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

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

24           (F) The minor over age 15 will be in substitute care  
25 pending independence. In selecting this permanency goal,  
26 the Department of Children and Family Services may provide



1 services to enable reunification and to strengthen the  
2 minor's connections with family, fictive kin, and other  
3 responsible adults, provided the services are in the  
4 minor's best interest. The services shall be documented in  
5 the service plan.

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

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

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

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

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

26 (3) The court has found compelling reasons, based

1 on written documentation reviewed by the court, to  
2 place the minor in continuing foster care. Compelling  
3 reasons include:

4 (a) the child does not wish to be adopted or to  
5 be placed in the guardianship of his or her  
6 relative or foster care placement;

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

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

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

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

25 The court shall set a permanency goal that is in the best  
26 interest of the child. In determining that goal, the court

1 shall consult with the minor in an age-appropriate manner  
2 regarding the proposed permanency or transition plan for the  
3 minor. The court's determination shall include the following  
4 factors:

5 (1) Age of the child.

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

8 (3) Current placement of the child and the intent of  
9 the family regarding adoption.

10 (4) Emotional, physical, and mental status or  
11 condition of the child.

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

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

17 (7) Status of siblings of the minor.

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

1           The court shall make findings as to whether, in violation  
2 of Section 8.2 of the Abused and Neglected Child Reporting Act,  
3 any portion of the service plan compels a child or parent to  
4 engage in any activity or refrain from any activity that is not  
5 reasonably related to remedying a condition or conditions that  
6 gave rise or which could give rise to any finding of child  
7 abuse or neglect. The services contained in the service plan  
8 shall include services reasonably related to remedy the  
9 conditions that gave rise to removal of the child from the home  
10 of his or her parents, guardian, or legal custodian or that the  
11 court has found must be remedied prior to returning the child  
12 home. Any tasks the court requires of the parents, guardian, or  
13 legal custodian or child prior to returning the child home,  
14 must be reasonably related to remedying a condition or  
15 conditions that gave rise to or which could give rise to any  
16 finding of child abuse or neglect.

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

25           The court shall review the Sibling Contact Support Plan  
26 developed or modified under subsection (f) of Section 7.4 of

1 the Children and Family Services Act, if applicable. If the  
2 Department has not convened a meeting to develop or modify a  
3 Sibling Contact Support Plan, or if the court finds that the  
4 existing Plan is not in the child's best interest, the court  
5 may enter an order requiring the Department to develop, modify  
6 or implement a Sibling Contact Support Plan, or order  
7 mediation.

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

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

1           A guardian or custodian appointed by the court pursuant to  
2 this Act shall file updated case plans with the court every 6  
3 months.

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

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

1 placement poses an imminent risk of harm to the minor, in which  
2 case the Department shall notify the parties of the placement  
3 change in writing immediately following the implementation of  
4 its decision. The Department shall notify others of the  
5 decision to change the minor's placement as required by  
6 Department rule.

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

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

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

18 (i) (Blank).

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

25 (iii) Whether the minor's current or planned  
26 placement is necessary, and appropriate to the plan and

1 goal, recognizing the right of minors to the least  
2 restrictive (most family-like) setting available and  
3 in close proximity to the parents' home consistent with  
4 the health, safety, best interest and special needs of  
5 the minor and, if the minor is placed out-of-state,  
6 whether the out-of-state placement continues to be  
7 appropriate and consistent with the health, safety,  
8 and best interest of the minor.

9 (iv) (Blank).

10 (v) (Blank).

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

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

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

22 (b) The State's Attorney may file a motion to terminate  
23 parental rights of any parent who has failed to make  
24 reasonable efforts to correct the conditions which led to  
25 the removal of the child or reasonable progress toward the  
26 return of the child, as defined in subdivision (D) (m) of



1 Section 1 of the Adoption Act or for whom any other  
2 unfitness ground for terminating parental rights as  
3 defined in subdivision (D) of Section 1 of the Adoption Act  
4 exists.

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

21 Custody of the minor shall not be restored to any parent,  
22 guardian or legal custodian in any case in which the minor is  
23 found to be neglected or abused under Section 2-3 or dependent  
24 under Section 2-4 of this Act, unless the minor can be cared  
25 for at home without endangering his or her health or safety and  
26 it is in the best interest of the minor, and if such neglect,

1 abuse, or dependency is found by the court under paragraph (1)  
2 of Section 2-21 of this Act to have come about due to the acts  
3 or omissions or both of such parent, guardian or legal  
4 custodian, until such time as an investigation is made as  
5 provided in paragraph (5) and a hearing is held on the issue of  
6 the health, safety and best interest of the minor and the  
7 fitness of such parent, guardian or legal custodian to care for  
8 the minor and the court enters an order that such parent,  
9 guardian or legal custodian is fit to care for the minor. In  
10 the event that the minor has attained 18 years of age and the  
11 guardian or custodian petitions the court for an order  
12 terminating his guardianship or custody, guardianship or  
13 custody shall terminate automatically 30 days after the receipt  
14 of the petition unless the court orders otherwise. No legal  
15 custodian or guardian of the person may be removed without his  
16 consent until given notice and an opportunity to be heard by  
17 the court.

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

25 (5) Whenever a parent, guardian, or legal custodian files a  
26 motion for restoration of custody of the minor, and the minor

1 was adjudicated neglected, abused, or dependent as a result of  
2 physical abuse, the court shall cause to be made an  
3 investigation as to whether the movant has ever been charged  
4 with or convicted of any criminal offense which would indicate  
5 the likelihood of any further physical abuse to the minor.  
6 Evidence of such criminal convictions shall be taken into  
7 account in determining whether the minor can be cared for at  
8 home without endangering his or her health or safety and  
9 fitness of the parent, guardian, or legal custodian.

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

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

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

23 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;  
24 100-229, eff. 1-1-18; 100-863, eff. 8-14-18; 100-978, eff.  
25 8-19-18.)

1           Section 99. Effective date. This Act takes effect July 1,  
2           2019, except Section 10 takes effect October 1, 2019.".