



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4008

Introduced 1/8/2020, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/1-5	from Ch. 37, par. 801-5
705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/2-13.1	
705 ILCS 405/2-15	from Ch. 37, par. 802-15
705 ILCS 405/2-17	from Ch. 37, par. 802-17
705 ILCS 405/2-17.1	
705 ILCS 405/2-24	from Ch. 37, par. 802-24
705 ILCS 405/2-27.1	
705 ILCS 405/2-28.1	
705 ILCS 405/3-12	from Ch. 37, par. 803-12
705 ILCS 405/3-16	from Ch. 37, par. 803-16
705 ILCS 405/3-17	from Ch. 37, par. 803-17
705 ILCS 405/3-19	from Ch. 37, par. 803-19
705 ILCS 405/4-13	from Ch. 37, par. 804-13
705 ILCS 405/4-14	from Ch. 37, par. 804-14
705 ILCS 405/4-16	from Ch. 37, par. 804-16
705 ILCS 405/5-525	
705 ILCS 405/5-610	
705 ILCS 405/5-745	

Amends the Juvenile Court Act of 1987. Provides that a child representative may be appointed and have the same rights and duties under the Act as a guardian ad litem. Defines "child representative".

LRB101 15667 RLC 65016 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3, 1-5, 1-7, 1-8, 2-10, 2-13.1, 2-15, 2-17,
6 2-17.1, 2-24, 2-27.1, 2-28.1, 3-12, 3-16, 3-17, 3-19, 4-13,
7 4-14, 4-16, 5-525, 5-610, and 5-745 as follows:

8 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

12 (1) "Adjudicatory hearing" means a hearing to determine
13 whether the allegations of a petition under Section 2-13, 3-15
14 or 4-12 that a minor under 18 years of age is abused, neglected
15 or dependent, or requires authoritative intervention, or
16 addicted, respectively, are supported by a preponderance of the
17 evidence or whether the allegations of a petition under Section
18 5-520 that a minor is delinquent are proved beyond a reasonable
19 doubt.

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

21 (3) "Agency" means a public or private child care facility
22 legally authorized or licensed by this State for placement or
23 institutional care or for both placement and institutional

1 care.

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

6 (4.05) Whenever a "best interest" determination is
7 required, the following factors shall be considered in the
8 context of the child's age and developmental needs:

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

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

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

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

15 (i) where the child actually feels love,
16 attachment, and a sense of being valued (as opposed to
17 where adults believe the child should feel such love,
18 attachment, and a sense of being valued);

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

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

21 (iv) continuity of affection for the child;

22 (v) the least disruptive placement alternative for
23 the child;

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

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

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

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

5 (i) the risks attendant to entering and being in
6 substitute care; and

7 (j) the preferences of the persons available to care
8 for the child.

9 (4.06) "Child representative" has the meaning ascribed to
10 it in paragraph (3) of subsection (a) of Section 506 of the
11 Illinois Marriage and Dissolution of Marriage Act.

12 (4.1) "Chronic truant" shall have the definition ascribed
13 to it in Section 26-2a of the School Code.

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

16 (6) "Dispositional hearing" means a hearing to determine
17 whether a minor should be adjudged to be a ward of the court,
18 and to determine what order of disposition should be made in
19 respect to a minor adjudged to be a ward of the court.

20 (6.5) "Dissemination" or "disseminate" means to publish,
21 produce, print, manufacture, distribute, sell, lease, exhibit,
22 broadcast, display, transmit, or otherwise share information
23 in any format so as to make the information accessible to
24 others.

25 (7) "Emancipated minor" means any minor 16 years of age or
26 over who has been completely or partially emancipated under the

1 Emancipation of Minors Act or under this Act.

2 (7.03) "Expunge" means to physically destroy the records
3 and to obliterate the minor's name from any official index,
4 public record, or electronic database.

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

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

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

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

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

26 (d) the power to consent to the adoption of the minor,

1 but only if expressly conferred on the guardian in
2 accordance with Section 2-29, 3-30, or 4-27.

3 (8.1) "Juvenile court record" includes, but is not limited
4 to:

5 (a) all documents filed in or maintained by the
6 juvenile court pertaining to a specific incident,
7 proceeding, or individual;

8 (b) all documents relating to a specific incident,
9 proceeding, or individual made available to or maintained
10 by probation officers;

11 (c) all documents, video or audio tapes, photographs,
12 and exhibits admitted into evidence at juvenile court
13 hearings; or

14 (d) all documents, transcripts, records, reports, or
15 other evidence prepared by, maintained by, or released by
16 any municipal, county, or State agency or department, in
17 any format, if indicating involvement with the juvenile
18 court relating to a specific incident, proceeding, or
19 individual.

20 (8.2) "Juvenile law enforcement record" includes records
21 of arrest, station adjustments, fingerprints, probation
22 adjustments, the issuance of a notice to appear, or any other
23 records or documents maintained by any law enforcement agency
24 relating to a minor suspected of committing an offense, and
25 records maintained by a law enforcement agency that identifies
26 a juvenile as a suspect in committing an offense, but does not

1 include records identifying a juvenile as a victim, witness, or
2 missing juvenile and any records created, maintained, or used
3 for purposes of referral to programs relating to diversion as
4 defined in subsection (6) of Section 5-105.

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

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

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

21 (11) "Parent" means a father or mother of a child and
22 includes any adoptive parent. It also includes a person (i)
23 whose parentage is presumed or has been established under the
24 law of this or another jurisdiction or (ii) who has registered
25 with the Putative Father Registry in accordance with Section
26 12.1 of the Adoption Act and whose paternity has not been ruled

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

19 (11.1) "Permanency goal" means a goal set by the court as
20 defined in subdivision (2) of Section 2-28.

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

1 and goal have been achieved.

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

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

13 (12.2) "Post Permanency Sibling Contact Agreement" has the
14 meaning ascribed to the term in Section 7.4 of the Children and
15 Family Services Act.

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

25 (13) "Residual parental rights and responsibilities" means
26 those rights and responsibilities remaining with the parent

1 after the transfer of legal custody or guardianship of the
2 person, including, but not necessarily limited to, the right to
3 reasonable visitation (which may be limited by the court in the
4 best interests of the minor as provided in subsection (8) (b) of
5 this Section), the right to consent to adoption, the right to
6 determine the minor's religious affiliation, and the
7 responsibility for his support.

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

11 (14.05) "Shelter placement" means a temporary or emergency
12 placement for a minor, including an emergency foster home
13 placement.

14 (14.1) "Sibling Contact Support Plan" has the meaning
15 ascribed to the term in Section 7.4 of the Children and Family
16 Services Act.

17 (14.2) "Significant event report" means a written document
18 describing an occurrence or event beyond the customary
19 operations, routines, or relationships in the Department of
20 Children of Family Services, a child care facility, or other
21 entity that is licensed or regulated by the Department of
22 Children of Family Services or that provides services for the
23 Department of Children of Family Services under a grant,
24 contract, or purchase of service agreement; involving children
25 or youth, employees, foster parents, or relative caregivers;
26 allegations of abuse or neglect or any other incident raising a

1 concern about the well-being of a minor under the jurisdiction
2 of the court under Article II of the Juvenile Court Act;
3 incidents involving damage to property, allegations of
4 criminal activity, misconduct, or other occurrences affecting
5 the operations of the Department of Children of Family Services
6 or a child care facility; any incident that could have media
7 impact; and unusual incidents as defined by Department of
8 Children and Family Services rule.

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

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

15 (17) "Juvenile police officer" means a sworn police officer
16 who has completed a Basic Recruit Training Course, has been
17 assigned to the position of juvenile police officer by his or
18 her chief law enforcement officer and has completed the
19 necessary juvenile officers training as prescribed by the
20 Illinois Law Enforcement Training Standards Board, or in the
21 case of a State police officer, juvenile officer training
22 approved by the Director of the Department of State Police.

23 (18) "Secure child care facility" means any child care
24 facility licensed by the Department of Children and Family
25 Services to provide secure living arrangements for children
26 under 18 years of age who are subject to placement in

1 facilities under the Children and Family Services Act and who
2 are not subject to placement in facilities for whom standards
3 are established by the Department of Corrections under Section
4 3-15-2 of the Unified Code of Corrections. "Secure child care
5 facility" also means a facility that is designed and operated
6 to ensure that all entrances and exits from the facility, a
7 building, or a distinct part of the building are under the
8 exclusive control of the staff of the facility, whether or not
9 the child has the freedom of movement within the perimeter of
10 the facility, building, or distinct part of the building.

11 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
12 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.
13 8-14-18; 100-1162, eff. 12-20-18.)

14 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

15 Sec. 1-5. Rights of parties to proceedings.

16 (1) Except as provided in this Section and paragraph (2) of
17 Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is the
18 subject of the proceeding and his or her parents, guardian,
19 legal custodian or responsible relative who are parties
20 respondent have the right to be present, to be heard, to
21 present evidence material to the proceedings, to cross-examine
22 witnesses, to examine pertinent court files and records and
23 also, although proceedings under this Act are not intended to
24 be adversary in character, the right to be represented by
25 counsel. At the request of any party financially unable to

1 employ counsel, with the exception of a foster parent permitted
2 to intervene under this Section, the court shall appoint the
3 Public Defender or such other counsel as the case may require.
4 Counsel appointed for the minor and any indigent party shall
5 appear at all stages of the trial court proceeding, and such
6 appointment shall continue through the permanency hearings and
7 termination of parental rights proceedings subject to
8 withdrawal, vacating of appointment, or substitution pursuant
9 to Supreme Court Rules or the Code of Civil Procedure.
10 Following the dispositional hearing, the court may require
11 appointed counsel, other than counsel for the minor or counsel
12 for the guardian ad litem or child representative, to withdraw
13 his or her appearance upon failure of the party for whom
14 counsel was appointed under this Section to attend any
15 subsequent proceedings.

16 No hearing on any petition or motion filed under this Act
17 may be commenced unless the minor who is the subject of the
18 proceeding is represented by counsel. Notwithstanding the
19 preceding sentence, if a guardian ad litem or child
20 representative has been appointed for the minor under Section
21 2-17 of this Act and the guardian ad litem or child
22 representative is a licensed attorney at law of this State, or
23 in the event that a court appointed special advocate has been
24 appointed as guardian ad litem or child representative and
25 counsel has been appointed to represent the court appointed
26 special advocate, the court may not require the appointment of

1 counsel to represent the minor unless the court finds that the
2 minor's interests are in conflict with what the guardian ad
3 litem or child representative determines to be in the best
4 interest of the minor. Each adult respondent shall be furnished
5 a written "Notice of Rights" at or before the first hearing at
6 which he or she appears.

7 (1.5) The Department shall maintain a system of response to
8 inquiry made by parents or putative parents as to whether their
9 child is under the custody or guardianship of the Department;
10 and if so, the Department shall direct the parents or putative
11 parents to the appropriate court of jurisdiction, including
12 where inquiry may be made of the clerk of the court regarding
13 the case number and the next scheduled court date of the
14 minor's case. Effective notice and the means of accessing
15 information shall be given to the public on a continuing basis
16 by the Department.

17 (2) (a) Though not appointed guardian or legal custodian or
18 otherwise made a party to the proceeding, any current or
19 previously appointed foster parent or relative caregiver, or
20 representative of an agency or association interested in the
21 minor has the right to be heard by the court, but does not
22 thereby become a party to the proceeding.

23 In addition to the foregoing right to be heard by the
24 court, any current foster parent or relative caregiver of a
25 minor and the agency designated by the court or the Department
26 of Children and Family Services as custodian of the minor who

1 is alleged to be or has been adjudicated an abused or neglected
2 minor under Section 2-3 or a dependent minor under Section 2-4
3 of this Act has the right to and shall be given adequate notice
4 at all stages of any hearing or proceeding under this Act.

5 Any foster parent or relative caregiver who is denied his
6 or her right to be heard under this Section may bring a
7 mandamus action under Article XIV of the Code of Civil
8 Procedure against the court or any public agency to enforce
9 that right. The mandamus action may be brought immediately upon
10 the denial of those rights but in no event later than 30 days
11 after the foster parent has been denied the right to be heard.

12 (b) If after an adjudication that a minor is abused or
13 neglected as provided under Section 2-21 of this Act and a
14 motion has been made to restore the minor to any parent,
15 guardian, or legal custodian found by the court to have caused
16 the neglect or to have inflicted the abuse on the minor, a
17 foster parent may file a motion to intervene in the proceeding
18 for the sole purpose of requesting that the minor be placed
19 with the foster parent, provided that the foster parent (i) is
20 the current foster parent of the minor or (ii) has previously
21 been a foster parent for the minor for one year or more, has a
22 foster care license or is eligible for a license or is not
23 required to have a license, and is not the subject of any
24 findings of abuse or neglect of any child. The juvenile court
25 may only enter orders placing a minor with a specific foster
26 parent under this subsection (2) (b) and nothing in this Section

1 shall be construed to confer any jurisdiction or authority on
2 the juvenile court to issue any other orders requiring the
3 appointed guardian or custodian of a minor to place the minor
4 in a designated foster home or facility. This Section is not
5 intended to encompass any matters that are within the scope or
6 determinable under the administrative and appeal process
7 established by rules of the Department of Children and Family
8 Services under Section 5(o) of the Children and Family Services
9 Act. Nothing in this Section shall relieve the court of its
10 responsibility, under Section 2-14(a) of this Act to act in a
11 just and speedy manner to reunify families where it is the best
12 interests of the minor and the child can be cared for at home
13 without endangering the child's health or safety and, if
14 reunification is not in the best interests of the minor, to
15 find another permanent home for the minor. Nothing in this
16 Section, or in any order issued by the court with respect to
17 the placement of a minor with a foster parent, shall impair the
18 ability of the Department of Children and Family Services, or
19 anyone else authorized under Section 5 of the Abused and
20 Neglected Child Reporting Act, to remove a minor from the home
21 of a foster parent if the Department of Children and Family
22 Services or the person removing the minor has reason to believe
23 that the circumstances or conditions of the minor are such that
24 continuing in the residence or care of the foster parent will
25 jeopardize the child's health and safety or present an imminent
26 risk of harm to that minor's life.

1 (c) If a foster parent has had the minor who is the subject
2 of the proceeding under Article II in his or her home for more
3 than one year on or after July 3, 1994 and if the minor's
4 placement is being terminated from that foster parent's home,
5 that foster parent shall have standing and intervenor status
6 except in those circumstances where the Department of Children
7 and Family Services or anyone else authorized under Section 5
8 of the Abused and Neglected Child Reporting Act has removed the
9 minor from the foster parent because of a reasonable belief
10 that the circumstances or conditions of the minor are such that
11 continuing in the residence or care of the foster parent will
12 jeopardize the child's health or safety or presents an imminent
13 risk of harm to the minor's life.

14 (d) The court may grant standing to any foster parent if
15 the court finds that it is in the best interest of the child
16 for the foster parent to have standing and intervenor status.

17 (3) Parties respondent are entitled to notice in compliance
18 with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14 and 4-15 or
19 5-525 and 5-530, as appropriate. At the first appearance before
20 the court by the minor, his parents, guardian, custodian or
21 responsible relative, the court shall explain the nature of the
22 proceedings and inform the parties of their rights under the
23 first 2 paragraphs of this Section.

24 If the child is alleged to be abused, neglected or
25 dependent, the court shall admonish the parents that if the
26 court declares the child to be a ward of the court and awards

1 custody or guardianship to the Department of Children and
2 Family Services, the parents must cooperate with the Department
3 of Children and Family Services, comply with the terms of the
4 service plans, and correct the conditions that require the
5 child to be in care, or risk termination of their parental
6 rights.

7 Upon an adjudication of wardship of the court under
8 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the
9 parties of their right to appeal therefrom as well as from any
10 other final judgment of the court.

11 When the court finds that a child is an abused, neglected,
12 or dependent minor under Section 2-21, the court shall admonish
13 the parents that the parents must cooperate with the Department
14 of Children and Family Services, comply with the terms of the
15 service plans, and correct the conditions that require the
16 child to be in care, or risk termination of their parental
17 rights.

18 When the court declares a child to be a ward of the court
19 and awards guardianship to the Department of Children and
20 Family Services under Section 2-22, the court shall admonish
21 the parents, guardian, custodian, or responsible relative that
22 the parents must cooperate with the Department of Children and
23 Family Services, comply with the terms of the service plans,
24 and correct the conditions that require the child to be in
25 care, or risk termination of their parental rights.

26 (4) No sanction may be applied against the minor who is the

1 subject of the proceedings by reason of his refusal or failure
2 to testify in the course of any hearing held prior to final
3 adjudication under Section 2-22, 3-23, 4-20 or 5-705.

4 (5) In the discretion of the court, the minor may be
5 excluded from any part or parts of a dispositional hearing and,
6 with the consent of the parent or parents, guardian, counsel or
7 a guardian ad litem or child representative, from any part or
8 parts of an adjudicatory hearing.

9 (6) The general public except for the news media and the
10 crime victim, as defined in Section 3 of the Rights of Crime
11 Victims and Witnesses Act, shall be excluded from any hearing
12 and, except for the persons specified in this Section only
13 persons, including representatives of agencies and
14 associations, who in the opinion of the court have a direct
15 interest in the case or in the work of the court shall be
16 admitted to the hearing. However, the court may, for the
17 minor's safety and protection and for good cause shown,
18 prohibit any person or agency present in court from further
19 disclosing the minor's identity. Nothing in this subsection (6)
20 prevents the court from allowing other juveniles to be present
21 or to participate in a court session being held under the
22 Juvenile Drug Court Treatment Act.

23 (7) A party shall not be entitled to exercise the right to
24 a substitution of a judge without cause under subdivision
25 (a) (2) of Section 2-1001 of the Code of Civil Procedure in a
26 proceeding under this Act if the judge is currently assigned to

1 a proceeding involving the alleged abuse, neglect, or
2 dependency of the minor's sibling or half sibling and that
3 judge has made a substantive ruling in the proceeding involving
4 the minor's sibling or half sibling.

5 (Source: P.A. 101-147, eff. 1-1-20.)

6 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

7 Sec. 1-7. Confidentiality of juvenile law enforcement and
8 municipal ordinance violation records.

9 (A) All juvenile law enforcement records which have not
10 been expunged are confidential and may never be disclosed to
11 the general public or otherwise made widely available. Juvenile
12 law enforcement records may be obtained only under this Section
13 and Section 1-8 and Part 9 of Article V of this Act, when their
14 use is needed for good cause and with an order from the
15 juvenile court, as required by those not authorized to retain
16 them. Inspection, copying, and disclosure of juvenile law
17 enforcement records maintained by law enforcement agencies or
18 records of municipal ordinance violations maintained by any
19 State, local, or municipal agency that relate to a minor who
20 has been investigated, arrested, or taken into custody before
21 his or her 18th birthday shall be restricted to the following:

22 (0.05) The minor who is the subject of the juvenile law
23 enforcement record, his or her parents, guardian, and
24 counsel.

25 (0.10) Judges of the circuit court and members of the

1 staff of the court designated by the judge.

2 (0.15) An administrative adjudication hearing officer
3 or members of the staff designated to assist in the
4 administrative adjudication process.

5 (1) Any local, State, or federal law enforcement
6 officers or designated law enforcement staff of any
7 jurisdiction or agency when necessary for the discharge of
8 their official duties during the investigation or
9 prosecution of a crime or relating to a minor who has been
10 adjudicated delinquent and there has been a previous
11 finding that the act which constitutes the previous offense
12 was committed in furtherance of criminal activities by a
13 criminal street gang, or, when necessary for the discharge
14 of its official duties in connection with a particular
15 investigation of the conduct of a law enforcement officer,
16 an independent agency or its staff created by ordinance and
17 charged by a unit of local government with the duty of
18 investigating the conduct of law enforcement officers. For
19 purposes of this Section, "criminal street gang" has the
20 meaning ascribed to it in Section 10 of the Illinois
21 Streetgang Terrorism Omnibus Prevention Act.

22 (2) Prosecutors, public defenders, probation officers,
23 social workers, or other individuals assigned by the court
24 to conduct a pre-adjudication or pre-disposition
25 investigation, and individuals responsible for supervising
26 or providing temporary or permanent care and custody for

1 minors under the order of the juvenile court, when
2 essential to performing their responsibilities.

3 (3) Federal, State, or local prosecutors, public
4 defenders, probation officers, and designated staff:

5 (a) in the course of a trial when institution of
6 criminal proceedings has been permitted or required
7 under Section 5-805;

8 (b) when institution of criminal proceedings has
9 been permitted or required under Section 5-805 and the
10 minor is the subject of a proceeding to determine the
11 amount of bail;

12 (c) when criminal proceedings have been permitted
13 or required under Section 5-805 and the minor is the
14 subject of a pre-trial investigation, pre-sentence
15 investigation, fitness hearing, or proceedings on an
16 application for probation; or

17 (d) in the course of prosecution or administrative
18 adjudication of a violation of a traffic, boating, or
19 fish and game law, or a county or municipal ordinance.

20 (4) Adult and Juvenile Prisoner Review Board.

21 (5) Authorized military personnel.

22 (5.5) Employees of the federal government authorized
23 by law.

24 (6) Persons engaged in bona fide research, with the
25 permission of the Presiding Judge and the chief executive
26 of the respective law enforcement agency; provided that

1 publication of such research results in no disclosure of a
2 minor's identity and protects the confidentiality of the
3 minor's record.

4 (7) Department of Children and Family Services child
5 protection investigators acting in their official
6 capacity.

7 (8) The appropriate school official only if the agency
8 or officer believes that there is an imminent threat of
9 physical harm to students, school personnel, or others who
10 are present in the school or on school grounds.

11 (A) Inspection and copying shall be limited to
12 juvenile law enforcement records transmitted to the
13 appropriate school official or officials whom the
14 school has determined to have a legitimate educational
15 or safety interest by a local law enforcement agency
16 under a reciprocal reporting system established and
17 maintained between the school district and the local
18 law enforcement agency under Section 10-20.14 of the
19 School Code concerning a minor enrolled in a school
20 within the school district who has been arrested or
21 taken into custody for any of the following offenses:

22 (i) any violation of Article 24 of the Criminal
23 Code of 1961 or the Criminal Code of 2012;

24 (ii) a violation of the Illinois Controlled
25 Substances Act;

26 (iii) a violation of the Cannabis Control Act;

1 (iv) a forcible felony as defined in Section
2 2-8 of the Criminal Code of 1961 or the Criminal
3 Code of 2012;

4 (v) a violation of the Methamphetamine Control
5 and Community Protection Act;

6 (vi) a violation of Section 1-2 of the
7 Harassing and Obscene Communications Act;

8 (vii) a violation of the Hazing Act; or

9 (viii) a violation of Section 12-1, 12-2,
10 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
11 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
12 Criminal Code of 1961 or the Criminal Code of 2012.

13 The information derived from the juvenile law
14 enforcement records shall be kept separate from and
15 shall not become a part of the official school record
16 of that child and shall not be a public record. The
17 information shall be used solely by the appropriate
18 school official or officials whom the school has
19 determined to have a legitimate educational or safety
20 interest to aid in the proper rehabilitation of the
21 child and to protect the safety of students and
22 employees in the school. If the designated law
23 enforcement and school officials deem it to be in the
24 best interest of the minor, the student may be referred
25 to in-school or community-based social services if
26 those services are available. "Rehabilitation

1 services" may include interventions by school support
2 personnel, evaluation for eligibility for special
3 education, referrals to community-based agencies such
4 as youth services, behavioral healthcare service
5 providers, drug and alcohol prevention or treatment
6 programs, and other interventions as deemed
7 appropriate for the student.

8 (B) Any information provided to appropriate school
9 officials whom the school has determined to have a
10 legitimate educational or safety interest by local law
11 enforcement officials about a minor who is the subject
12 of a current police investigation that is directly
13 related to school safety shall consist of oral
14 information only, and not written juvenile law
15 enforcement records, and shall be used solely by the
16 appropriate school official or officials to protect
17 the safety of students and employees in the school and
18 aid in the proper rehabilitation of the child. The
19 information derived orally from the local law
20 enforcement officials shall be kept separate from and
21 shall not become a part of the official school record
22 of the child and shall not be a public record. This
23 limitation on the use of information about a minor who
24 is the subject of a current police investigation shall
25 in no way limit the use of this information by
26 prosecutors in pursuing criminal charges arising out

1 of the information disclosed during a police
2 investigation of the minor. For purposes of this
3 paragraph, "investigation" means an official
4 systematic inquiry by a law enforcement agency into
5 actual or suspected criminal activity.

6 (9) Mental health professionals on behalf of the
7 Department of Corrections or the Department of Human
8 Services or prosecutors who are evaluating, prosecuting,
9 or investigating a potential or actual petition brought
10 under the Sexually Violent Persons Commitment Act relating
11 to a person who is the subject of juvenile law enforcement
12 records or the respondent to a petition brought under the
13 Sexually Violent Persons Commitment Act who is the subject
14 of the juvenile law enforcement records sought. Any
15 juvenile law enforcement records and any information
16 obtained from those juvenile law enforcement records under
17 this paragraph (9) may be used only in sexually violent
18 persons commitment proceedings.

19 (10) The president of a park district. Inspection and
20 copying shall be limited to juvenile law enforcement
21 records transmitted to the president of the park district
22 by the Department of State Police under Section 8-23 of the
23 Park District Code or Section 16a-5 of the Chicago Park
24 District Act concerning a person who is seeking employment
25 with that park district and who has been adjudicated a
26 juvenile delinquent for any of the offenses listed in

1 subsection (c) of Section 8-23 of the Park District Code or
2 subsection (c) of Section 16a-5 of the Chicago Park
3 District Act.

4 (11) Persons managing and designated to participate in
5 a court diversion program as designated in subsection (6)
6 of Section 5-105.

7 (12) The Public Access Counselor of the Office of the
8 Attorney General, when reviewing juvenile law enforcement
9 records under its powers and duties under the Freedom of
10 Information Act.

11 (13) Collection agencies, contracted or otherwise
12 engaged by a governmental entity, to collect any debts due
13 and owing to the governmental entity.

14 (B) (1) Except as provided in paragraph (2), no law
15 enforcement officer or other person or agency may knowingly
16 transmit to the Department of Corrections, Department of State
17 Police, or to the Federal Bureau of Investigation any
18 fingerprint or photograph relating to a minor who has been
19 arrested or taken into custody before his or her 18th birthday,
20 unless the court in proceedings under this Act authorizes the
21 transmission or enters an order under Section 5-805 permitting
22 or requiring the institution of criminal proceedings.

23 (2) Law enforcement officers or other persons or agencies
24 shall transmit to the Department of State Police copies of
25 fingerprints and descriptions of all minors who have been
26 arrested or taken into custody before their 18th birthday for

1 the offense of unlawful use of weapons under Article 24 of the
2 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
3 or Class 1 felony, a forcible felony as defined in Section 2-8
4 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
5 Class 2 or greater felony under the Cannabis Control Act, the
6 Illinois Controlled Substances Act, the Methamphetamine
7 Control and Community Protection Act, or Chapter 4 of the
8 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
9 Identification Act. Information reported to the Department
10 pursuant to this Section may be maintained with records that
11 the Department files pursuant to Section 2.1 of the Criminal
12 Identification Act. Nothing in this Act prohibits a law
13 enforcement agency from fingerprinting a minor taken into
14 custody or arrested before his or her 18th birthday for an
15 offense other than those listed in this paragraph (2).

16 (C) The records of law enforcement officers, or of an
17 independent agency created by ordinance and charged by a unit
18 of local government with the duty of investigating the conduct
19 of law enforcement officers, concerning all minors under 18
20 years of age must be maintained separate from the records of
21 arrests and may not be open to public inspection or their
22 contents disclosed to the public. For purposes of obtaining
23 documents under this Section, a civil subpoena is not an order
24 of the court.

25 (1) In cases where the law enforcement, or independent
26 agency, records concern a pending juvenile court case, the

1 party seeking to inspect the records shall provide actual
2 notice to the attorney or guardian ad litem or child
3 representative of the minor whose records are sought.

4 (2) In cases where the records concern a juvenile court
5 case that is no longer pending, the party seeking to
6 inspect the records shall provide actual notice to the
7 minor or the minor's parent or legal guardian, and the
8 matter shall be referred to the chief judge presiding over
9 matters pursuant to this Act.

10 (3) In determining whether the records should be
11 available for inspection, the court shall consider the
12 minor's interest in confidentiality and rehabilitation
13 over the moving party's interest in obtaining the
14 information. Any records obtained in violation of this
15 subsection (C) shall not be admissible in any criminal or
16 civil proceeding, or operate to disqualify a minor from
17 subsequently holding public office or securing employment,
18 or operate as a forfeiture of any public benefit, right,
19 privilege, or right to receive any license granted by
20 public authority.

21 (D) Nothing contained in subsection (C) of this Section
22 shall prohibit the inspection or disclosure to victims and
23 witnesses of photographs contained in the records of law
24 enforcement agencies when the inspection and disclosure is
25 conducted in the presence of a law enforcement officer for the
26 purpose of the identification or apprehension of any person

1 subject to the provisions of this Act or for the investigation
2 or prosecution of any crime.

3 (E) Law enforcement officers, and personnel of an
4 independent agency created by ordinance and charged by a unit
5 of local government with the duty of investigating the conduct
6 of law enforcement officers, may not disclose the identity of
7 any minor in releasing information to the general public as to
8 the arrest, investigation or disposition of any case involving
9 a minor.

10 (F) Nothing contained in this Section shall prohibit law
11 enforcement agencies from communicating with each other by
12 letter, memorandum, teletype, or intelligence alert bulletin
13 or other means the identity or other relevant information
14 pertaining to a person under 18 years of age if there are
15 reasonable grounds to believe that the person poses a real and
16 present danger to the safety of the public or law enforcement
17 officers. The information provided under this subsection (F)
18 shall remain confidential and shall not be publicly disclosed,
19 except as otherwise allowed by law.

20 (G) Nothing in this Section shall prohibit the right of a
21 Civil Service Commission or appointing authority of any federal
22 government, state, county or municipality examining the
23 character and fitness of an applicant for employment with a law
24 enforcement agency, correctional institution, or fire
25 department from obtaining and examining the records of any law
26 enforcement agency relating to any record of the applicant

1 having been arrested or taken into custody before the
2 applicant's 18th birthday.

3 (G-5) Information identifying victims and alleged victims
4 of sex offenses shall not be disclosed or open to the public
5 under any circumstances. Nothing in this Section shall prohibit
6 the victim or alleged victim of any sex offense from
7 voluntarily disclosing his or her own identity.

8 (H) The changes made to this Section by Public Act 98-61
9 apply to law enforcement records of a minor who has been
10 arrested or taken into custody on or after January 1, 2014 (the
11 effective date of Public Act 98-61).

12 (H-5) Nothing in this Section shall require any court or
13 adjudicative proceeding for traffic, boating, fish and game
14 law, or municipal and county ordinance violations to be closed
15 to the public.

16 (I) Willful violation of this Section is a Class C
17 misdemeanor and each violation is subject to a fine of \$1,000.
18 This subsection (I) shall not apply to the person who is the
19 subject of the record.

20 (J) A person convicted of violating this Section is liable
21 for damages in the amount of \$1,000 or actual damages,
22 whichever is greater.

23 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
24 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.
25 12-20-18.)

1 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

2 Sec. 1-8. Confidentiality and accessibility of juvenile
3 court records.

4 (A) A juvenile adjudication shall never be considered a
5 conviction nor shall an adjudicated individual be considered a
6 criminal. Unless expressly allowed by law, a juvenile
7 adjudication shall not operate to impose upon the individual
8 any of the civil disabilities ordinarily imposed by or
9 resulting from conviction. Unless expressly allowed by law,
10 adjudications shall not prejudice or disqualify the individual
11 in any civil service application or appointment, from holding
12 public office, or from receiving any license granted by public
13 authority. All juvenile court records which have not been
14 expunged are sealed and may never be disclosed to the general
15 public or otherwise made widely available. Sealed juvenile
16 court records may be obtained only under this Section and
17 Section 1-7 and Part 9 of Article V of this Act, when their use
18 is needed for good cause and with an order from the juvenile
19 court. Inspection and copying of juvenile court records
20 relating to a minor who is the subject of a proceeding under
21 this Act shall be restricted to the following:

22 (1) The minor who is the subject of record, his or her
23 parents, guardian, and counsel.

24 (2) Law enforcement officers and law enforcement
25 agencies when such information is essential to executing an
26 arrest or search warrant or other compulsory process, or to

1 conducting an ongoing investigation or relating to a minor
2 who has been adjudicated delinquent and there has been a
3 previous finding that the act which constitutes the
4 previous offense was committed in furtherance of criminal
5 activities by a criminal street gang.

6 Before July 1, 1994, for the purposes of this Section,
7 "criminal street gang" means any ongoing organization,
8 association, or group of 3 or more persons, whether formal
9 or informal, having as one of its primary activities the
10 commission of one or more criminal acts and that has a
11 common name or common identifying sign, symbol or specific
12 color apparel displayed, and whose members individually or
13 collectively engage in or have engaged in a pattern of
14 criminal activity.

15 Beginning July 1, 1994, for purposes of this Section,
16 "criminal street gang" has the meaning ascribed to it in
17 Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 (3) Judges, hearing officers, prosecutors, public
20 defenders, probation officers, social workers, or other
21 individuals assigned by the court to conduct a
22 pre-adjudication or pre-disposition investigation, and
23 individuals responsible for supervising or providing
24 temporary or permanent care and custody for minors under
25 the order of the juvenile court when essential to
26 performing their responsibilities.

1 (4) Judges, federal, State, and local prosecutors,
2 public defenders, probation officers, and designated
3 staff:

4 (a) in the course of a trial when institution of
5 criminal proceedings has been permitted or required
6 under Section 5-805;

7 (b) when criminal proceedings have been permitted
8 or required under Section 5-805 and a minor is the
9 subject of a proceeding to determine the amount of
10 bail;

11 (c) when criminal proceedings have been permitted
12 or required under Section 5-805 and a minor is the
13 subject of a pre-trial investigation, pre-sentence
14 investigation or fitness hearing, or proceedings on an
15 application for probation; or

16 (d) when a minor becomes 18 years of age or older,
17 and is the subject of criminal proceedings, including a
18 hearing to determine the amount of bail, a pre-trial
19 investigation, a pre-sentence investigation, a fitness
20 hearing, or proceedings on an application for
21 probation.

22 (5) Adult and Juvenile Prisoner Review Boards.

23 (6) Authorized military personnel.

24 (6.5) Employees of the federal government authorized
25 by law.

26 (7) Victims, their subrogees and legal

1 representatives; however, such persons shall have access
2 only to the name and address of the minor and information
3 pertaining to the disposition or alternative adjustment
4 plan of the juvenile court.

5 (8) Persons engaged in bona fide research, with the
6 permission of the presiding judge of the juvenile court and
7 the chief executive of the agency that prepared the
8 particular records; provided that publication of such
9 research results in no disclosure of a minor's identity and
10 protects the confidentiality of the record.

11 (9) The Secretary of State to whom the Clerk of the
12 Court shall report the disposition of all cases, as
13 required in Section 6-204 of the Illinois Vehicle Code.
14 However, information reported relative to these offenses
15 shall be privileged and available only to the Secretary of
16 State, courts, and police officers.

17 (10) The administrator of a bonafide substance abuse
18 student assistance program with the permission of the
19 presiding judge of the juvenile court.

20 (11) Mental health professionals on behalf of the
21 Department of Corrections or the Department of Human
22 Services or prosecutors who are evaluating, prosecuting,
23 or investigating a potential or actual petition brought
24 under the Sexually Violent Persons Commitment Act relating
25 to a person who is the subject of juvenile court records or
26 the respondent to a petition brought under the Sexually

1 Violent Persons Commitment Act, who is the subject of
2 juvenile court records sought. Any records and any
3 information obtained from those records under this
4 paragraph (11) may be used only in sexually violent persons
5 commitment proceedings.

6 (12) Collection agencies, contracted or otherwise
7 engaged by a governmental entity, to collect any debts due
8 and owing to the governmental entity.

9 (A-1) Findings and exclusions of paternity entered in
10 proceedings occurring under Article II of this Act shall be
11 disclosed, in a manner and form approved by the Presiding Judge
12 of the Juvenile Court, to the Department of Healthcare and
13 Family Services when necessary to discharge the duties of the
14 Department of Healthcare and Family Services under Article X of
15 the Illinois Public Aid Code.

16 (B) A minor who is the victim in a juvenile proceeding
17 shall be provided the same confidentiality regarding
18 disclosure of identity as the minor who is the subject of
19 record.

20 (C)(0.1) In cases where the records concern a pending
21 juvenile court case, the requesting party seeking to inspect
22 the juvenile court records shall provide actual notice to the
23 attorney or guardian ad litem or child representative of the
24 minor whose records are sought.

25 (0.2) In cases where the juvenile court records concern a
26 juvenile court case that is no longer pending, the requesting

1 party seeking to inspect the juvenile court records shall
2 provide actual notice to the minor or the minor's parent or
3 legal guardian, and the matter shall be referred to the chief
4 judge presiding over matters pursuant to this Act.

5 (0.3) In determining whether juvenile court records should
6 be made available for inspection and whether inspection should
7 be limited to certain parts of the file, the court shall
8 consider the minor's interest in confidentiality and
9 rehabilitation over the requesting party's interest in
10 obtaining the information. The State's Attorney, the minor, and
11 the minor's parents, guardian, and counsel shall at all times
12 have the right to examine court files and records.

13 (0.4) Any records obtained in violation of this Section
14 shall not be admissible in any criminal or civil proceeding, or
15 operate to disqualify a minor from subsequently holding public
16 office, or operate as a forfeiture of any public benefit,
17 right, privilege, or right to receive any license granted by
18 public authority.

19 (D) Pending or following any adjudication of delinquency
20 for any offense defined in Sections 11-1.20 through 11-1.60 or
21 12-13 through 12-16 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, the victim of any such offense shall
23 receive the rights set out in Sections 4 and 6 of the Bill of
24 Rights for Victims and Witnesses of Violent Crime Act; and the
25 juvenile who is the subject of the adjudication,
26 notwithstanding any other provision of this Act, shall be

1 treated as an adult for the purpose of affording such rights to
2 the victim.

3 (E) Nothing in this Section shall affect the right of a
4 Civil Service Commission or appointing authority of the federal
5 government, or any state, county, or municipality examining the
6 character and fitness of an applicant for employment with a law
7 enforcement agency, correctional institution, or fire
8 department to ascertain whether that applicant was ever
9 adjudicated to be a delinquent minor and, if so, to examine the
10 records of disposition or evidence which were made in
11 proceedings under this Act.

12 (F) Following any adjudication of delinquency for a crime
13 which would be a felony if committed by an adult, or following
14 any adjudication of delinquency for a violation of Section
15 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the State's Attorney shall ascertain
17 whether the minor respondent is enrolled in school and, if so,
18 shall provide a copy of the dispositional order to the
19 principal or chief administrative officer of the school. Access
20 to the dispositional order shall be limited to the principal or
21 chief administrative officer of the school and any guidance
22 counselor designated by him or her.

23 (G) Nothing contained in this Act prevents the sharing or
24 disclosure of information or records relating or pertaining to
25 juveniles subject to the provisions of the Serious Habitual
26 Offender Comprehensive Action Program when that information is

1 used to assist in the early identification and treatment of
2 habitual juvenile offenders.

3 (H) When a court hearing a proceeding under Article II of
4 this Act becomes aware that an earlier proceeding under Article
5 II had been heard in a different county, that court shall
6 request, and the court in which the earlier proceedings were
7 initiated shall transmit, an authenticated copy of the juvenile
8 court record, including all documents, petitions, and orders
9 filed and the minute orders, transcript of proceedings, and
10 docket entries of the court.

11 (I) The Clerk of the Circuit Court shall report to the
12 Department of State Police, in the form and manner required by
13 the Department of State Police, the final disposition of each
14 minor who has been arrested or taken into custody before his or
15 her 18th birthday for those offenses required to be reported
16 under Section 5 of the Criminal Identification Act. Information
17 reported to the Department under this Section may be maintained
18 with records that the Department files under Section 2.1 of the
19 Criminal Identification Act.

20 (J) The changes made to this Section by Public Act 98-61
21 apply to juvenile law enforcement records of a minor who has
22 been arrested or taken into custody on or after January 1, 2014
23 (the effective date of Public Act 98-61).

24 (K) Willful violation of this Section is a Class C
25 misdemeanor and each violation is subject to a fine of \$1,000.
26 This subsection (K) shall not apply to the person who is the

1 subject of the record.

2 (L) A person convicted of violating this Section is liable
3 for damages in the amount of \$1,000 or actual damages,
4 whichever is greater.

5 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
6 100-1162, eff. 12-20-18.)

7 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

8 Sec. 2-10. Temporary custody hearing. At the appearance of
9 the minor before the court at the temporary custody hearing,
10 all witnesses present shall be examined before the court in
11 relation to any matter connected with the allegations made in
12 the petition.

13 (1) If the court finds that there is not probable cause to
14 believe that the minor is abused, neglected or dependent it
15 shall release the minor and dismiss the petition.

16 (2) If the court finds that there is probable cause to
17 believe that the minor is abused, neglected or dependent, the
18 court shall state in writing the factual basis supporting its
19 finding and the minor, his or her parent, guardian, custodian
20 and other persons able to give relevant testimony shall be
21 examined before the court. The Department of Children and
22 Family Services shall give testimony concerning indicated
23 reports of abuse and neglect, of which they are aware through
24 the central registry, involving the minor's parent, guardian or
25 custodian. After such testimony, the court may, consistent with

1 the health, safety and best interests of the minor, enter an
2 order that the minor shall be released upon the request of
3 parent, guardian or custodian if the parent, guardian or
4 custodian appears to take custody. If it is determined that a
5 parent's, guardian's, or custodian's compliance with critical
6 services mitigates the necessity for removal of the minor from
7 his or her home, the court may enter an Order of Protection
8 setting forth reasonable conditions of behavior that a parent,
9 guardian, or custodian must observe for a specified period of
10 time, not to exceed 12 months, without a violation; provided,
11 however, that the 12-month period shall begin anew after any
12 violation. "Custodian" includes the Department of Children and
13 Family Services, if it has been given custody of the child, or
14 any other agency of the State which has been given custody or
15 wardship of the child. If it is consistent with the health,
16 safety and best interests of the minor, the court may also
17 prescribe shelter care and order that the minor be kept in a
18 suitable place designated by the court or in a shelter care
19 facility designated by the Department of Children and Family
20 Services or a licensed child welfare agency; however, on and
21 after January 1, 2015 (the effective date of Public Act 98-803)
22 and before January 1, 2017, a minor charged with a criminal
23 offense under the Criminal Code of 1961 or the Criminal Code of
24 2012 or adjudicated delinquent shall not be placed in the
25 custody of or committed to the Department of Children and
26 Family Services by any court, except a minor less than 16 years

1 of age and committed to the Department of Children and Family
2 Services under Section 5-710 of this Act or a minor for whom an
3 independent basis of abuse, neglect, or dependency exists; and
4 on and after January 1, 2017, a minor charged with a criminal
5 offense under the Criminal Code of 1961 or the Criminal Code of
6 2012 or adjudicated delinquent shall not be placed in the
7 custody of or committed to the Department of Children and
8 Family Services by any court, except a minor less than 15 years
9 of age and committed to the Department of Children and Family
10 Services under Section 5-710 of this Act or a minor for whom an
11 independent basis of abuse, neglect, or dependency exists. An
12 independent basis exists when the allegations or adjudication
13 of abuse, neglect, or dependency do not arise from the same
14 facts, incident, or circumstances which give rise to a charge
15 or adjudication of delinquency.

16 In placing the minor, the Department or other agency shall,
17 to the extent compatible with the court's order, comply with
18 Section 7 of the Children and Family Services Act. In
19 determining the health, safety and best interests of the minor
20 to prescribe shelter care, the court must find that it is a
21 matter of immediate and urgent necessity for the safety and
22 protection of the minor or of the person or property of another
23 that the minor be placed in a shelter care facility or that he
24 or she is likely to flee the jurisdiction of the court, and
25 must further find that reasonable efforts have been made or
26 that, consistent with the health, safety and best interests of

1 the minor, no efforts reasonably can be made to prevent or
2 eliminate the necessity of removal of the minor from his or her
3 home. The court shall require documentation from the Department
4 of Children and Family Services as to the reasonable efforts
5 that were made to prevent or eliminate the necessity of removal
6 of the minor from his or her home or the reasons why no efforts
7 reasonably could be made to prevent or eliminate the necessity
8 of removal. When a minor is placed in the home of a relative,
9 the Department of Children and Family Services shall complete a
10 preliminary background review of the members of the minor's
11 custodian's household in accordance with Section 4.3 of the
12 Child Care Act of 1969 within 90 days of that placement. If the
13 minor is ordered placed in a shelter care facility of the
14 Department of Children and Family Services or a licensed child
15 welfare agency, the court shall, upon request of the
16 appropriate Department or other agency, appoint the Department
17 of Children and Family Services Guardianship Administrator or
18 other appropriate agency executive temporary custodian of the
19 minor and the court may enter such other orders related to the
20 temporary custody as it deems fit and proper, including the
21 provision of services to the minor or his family to ameliorate
22 the causes contributing to the finding of probable cause or to
23 the finding of the existence of immediate and urgent necessity.

24 Where the Department of Children and Family Services
25 Guardianship Administrator is appointed as the executive
26 temporary custodian, the Department of Children and Family

1 Services shall file with the court and serve on the parties a
2 parent-child visiting plan, within 10 days, excluding weekends
3 and holidays, after the appointment. The parent-child visiting
4 plan shall set out the time and place of visits, the frequency
5 of visits, the length of visits, who shall be present at the
6 visits, and where appropriate, the minor's opportunities to
7 have telephone and mail communication with the parents.

8 Where the Department of Children and Family Services
9 Guardianship Administrator is appointed as the executive
10 temporary custodian, and when the child has siblings in care,
11 the Department of Children and Family Services shall file with
12 the court and serve on the parties a sibling placement and
13 contact plan within 10 days, excluding weekends and holidays,
14 after the appointment. The sibling placement and contact plan
15 shall set forth whether the siblings are placed together, and
16 if they are not placed together, what, if any, efforts are
17 being made to place them together. If the Department has
18 determined that it is not in a child's best interest to be
19 placed with a sibling, the Department shall document in the
20 sibling placement and contact plan the basis for its
21 determination. For siblings placed separately, the sibling
22 placement and contact plan shall set the time and place for
23 visits, the frequency of the visits, the length of visits, who
24 shall be present for the visits, and where appropriate, the
25 child's opportunities to have contact with their siblings in
26 addition to in person contact. If the Department determines it

1 is not in the best interest of a sibling to have contact with a
2 sibling, the Department shall document in the sibling placement
3 and contact plan the basis for its determination. The sibling
4 placement and contact plan shall specify a date for development
5 of the Sibling Contact Support Plan, under subsection (f) of
6 Section 7.4 of the Children and Family Services Act, and shall
7 remain in effect until the Sibling Contact Support Plan is
8 developed.

9 For good cause, the court may waive the requirement to file
10 the parent-child visiting plan or the sibling placement and
11 contact plan, or extend the time for filing either plan. Any
12 party may, by motion, request the court to review the
13 parent-child visiting plan to determine whether it is
14 reasonably calculated to expeditiously facilitate the
15 achievement of the permanency goal. A party may, by motion,
16 request the court to review the parent-child visiting plan or
17 the sibling placement and contact plan to determine whether it
18 is consistent with the minor's best interest. The court may
19 refer the parties to mediation where available. The frequency,
20 duration, and locations of visitation shall be measured by the
21 needs of the child and family, and not by the convenience of
22 Department personnel. Child development principles shall be
23 considered by the court in its analysis of how frequent
24 visitation should be, how long it should last, where it should
25 take place, and who should be present. If upon motion of the
26 party to review either plan and after receiving evidence, the

1 court determines that the parent-child visiting plan is not
2 reasonably calculated to expeditiously facilitate the
3 achievement of the permanency goal or that the restrictions
4 placed on parent-child contact or sibling placement or contact
5 are contrary to the child's best interests, the court shall put
6 in writing the factual basis supporting the determination and
7 enter specific findings based on the evidence. The court shall
8 enter an order for the Department to implement changes to the
9 parent-child visiting plan or sibling placement or contact
10 plan, consistent with the court's findings. At any stage of
11 proceeding, any party may by motion request the court to enter
12 any orders necessary to implement the parent-child visiting
13 plan, sibling placement or contact plan or subsequently
14 developed Sibling Contact Support Plan. Nothing under this
15 subsection (2) shall restrict the court from granting
16 discretionary authority to the Department to increase
17 opportunities for additional parent-child contacts or sibling
18 contacts, without further court orders. Nothing in this
19 subsection (2) shall restrict the Department from immediately
20 restricting or terminating parent-child contact or sibling
21 contacts, without either amending the parent-child visiting
22 plan or the sibling contact plan or obtaining a court order,
23 where the Department or its assigns reasonably believe that
24 continuation of the contact, as set out in the plan, would be
25 contrary to the child's health, safety, and welfare. The
26 Department shall file with the court and serve on the parties

1 any amendments to the plan within 10 days, excluding weekends
2 and holidays, of the change of the visitation.

3 Acceptance of services shall not be considered an admission
4 of any allegation in a petition made pursuant to this Act, nor
5 may a referral of services be considered as evidence in any
6 proceeding pursuant to this Act, except where the issue is
7 whether the Department has made reasonable efforts to reunite
8 the family. In making its findings that it is consistent with
9 the health, safety and best interests of the minor to prescribe
10 shelter care, the court shall state in writing (i) the factual
11 basis supporting its findings concerning the immediate and
12 urgent necessity for the protection of the minor or of the
13 person or property of another and (ii) the factual basis
14 supporting its findings that reasonable efforts were made to
15 prevent or eliminate the removal of the minor from his or her
16 home or that no efforts reasonably could be made to prevent or
17 eliminate the removal of the minor from his or her home. The
18 parents, guardian, custodian, temporary custodian and minor
19 shall each be furnished a copy of such written findings. The
20 temporary custodian shall maintain a copy of the court order
21 and written findings in the case record for the child. The
22 order together with the court's findings of fact in support
23 thereof shall be entered of record in the court.

24 Once the court finds that it is a matter of immediate and
25 urgent necessity for the protection of the minor that the minor
26 be placed in a shelter care facility, the minor shall not be

1 returned to the parent, custodian or guardian until the court
2 finds that such placement is no longer necessary for the
3 protection of the minor.

4 If the child is placed in the temporary custody of the
5 Department of Children and Family Services for his or her
6 protection, the court shall admonish the parents, guardian,
7 custodian or responsible relative that the parents must
8 cooperate with the Department of Children and Family Services,
9 comply with the terms of the service plans, and correct the
10 conditions which require the child to be in care, or risk
11 termination of their parental rights. The court shall ensure,
12 by inquiring in open court of each parent, guardian, custodian
13 or responsible relative, that the parent, guardian, custodian
14 or responsible relative has had the opportunity to provide the
15 Department with all known names, addresses, and telephone
16 numbers of each of the minor's living maternal and paternal
17 adult relatives, including, but not limited to, grandparents,
18 aunts, uncles, and siblings. The court shall advise the
19 parents, guardian, custodian or responsible relative to inform
20 the Department if additional information regarding the minor's
21 adult relatives becomes available.

22 (3) If prior to the shelter care hearing for a minor
23 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
24 unable to serve notice on the party respondent, the shelter
25 care hearing may proceed ex parte. A shelter care order from an
26 ex parte hearing shall be endorsed with the date and hour of

1 issuance and shall be filed with the clerk's office and entered
 2 of record. The order shall expire after 10 days from the time
 3 it is issued unless before its expiration it is renewed, at a
 4 hearing upon appearance of the party respondent, or upon an
 5 affidavit of the moving party as to all diligent efforts to
 6 notify the party respondent by notice as herein prescribed. The
 7 notice prescribed shall be in writing and shall be personally
 8 delivered to the minor or the minor's attorney and to the last
 9 known address of the other person or persons entitled to
 10 notice. The notice shall also state the nature of the
 11 allegations, the nature of the order sought by the State,
 12 including whether temporary custody is sought, and the
 13 consequences of failure to appear and shall contain a notice
 14 that the parties will not be entitled to further written
 15 notices or publication notices of proceedings in this case,
 16 including the filing of an amended petition or a motion to
 17 terminate parental rights, except as required by Supreme Court
 18 Rule 11; and shall explain the right of the parties and the
 19 procedures to vacate or modify a shelter care order as provided
 20 in this Section. The notice for a shelter care hearing shall be
 21 substantially as follows:

22 NOTICE TO PARENTS AND CHILDREN
 23 OF SHELTER CARE HEARING

24 On at, before the Honorable
 25, (address:), the State
 26 of Illinois will present evidence (1) that (name of child

1 or children) are abused, neglected
2 or dependent for the following reasons:

3 and (2)
4 whether there is "immediate and urgent necessity" to remove
5 the child or children from the responsible relative.

6 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
7 PLACEMENT of the child or children in foster care until a
8 trial can be held. A trial may not be held for up to 90
9 days. You will not be entitled to further notices of
10 proceedings in this case, including the filing of an
11 amended petition or a motion to terminate parental rights.

12 At the shelter care hearing, parents have the following
13 rights:

14 1. To ask the court to appoint a lawyer if they
15 cannot afford one.

16 2. To ask the court to continue the hearing to
17 allow them time to prepare.

18 3. To present evidence concerning:

19 a. Whether or not the child or children were
20 abused, neglected or dependent.

21 b. Whether or not there is "immediate and
22 urgent necessity" to remove the child from home
23 (including: their ability to care for the child,
24 conditions in the home, alternative means of
25 protecting the child other than removal).

26 c. The best interests of the child.

1 4. To cross examine the State's witnesses.

2 The Notice for rehearings shall be substantially as
3 follows:

4 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
5 TO REHEARING ON TEMPORARY CUSTODY

6 If you were not present at and did not have adequate
7 notice of the Shelter Care Hearing at which temporary
8 custody of was awarded to
9, you have the right to request a full
10 rehearing on whether the State should have temporary
11 custody of To request this rehearing,
12 you must file with the Clerk of the Juvenile Court
13 (address):, in person or by
14 mailing a statement (affidavit) setting forth the
15 following:

- 16 1. That you were not present at the shelter care
- 17 hearing.
- 18 2. That you did not get adequate notice (explaining
- 19 how the notice was inadequate).
- 20 3. Your signature.
- 21 4. Signature must be notarized.

22 The rehearing should be scheduled within 48 hours of
23 your filing this affidavit.

24 At the rehearing, your rights are the same as at the
25 initial shelter care hearing. The enclosed notice explains

1 those rights.

2 At the Shelter Care Hearing, children have the
3 following rights:

4 1. To have a guardian ad litem or child
5 representative appointed.

6 2. To be declared competent as a witness and to
7 present testimony concerning:

8 a. Whether they are abused, neglected or
9 dependent.

10 b. Whether there is "immediate and urgent
11 necessity" to be removed from home.

12 c. Their best interests.

13 3. To cross examine witnesses for other parties.

14 4. To obtain an explanation of any proceedings and
15 orders of the court.

16 (4) If the parent, guardian, legal custodian, responsible
17 relative, minor age 8 or over, or counsel of the minor did not
18 have actual notice of or was not present at the shelter care
19 hearing, he or she may file an affidavit setting forth these
20 facts, and the clerk shall set the matter for rehearing not
21 later than 48 hours, excluding Sundays and legal holidays,
22 after the filing of the affidavit. At the rehearing, the court
23 shall proceed in the same manner as upon the original hearing.

24 (5) Only when there is reasonable cause to believe that the
25 minor taken into custody is a person described in subsection
26 (3) of Section 5-105 may the minor be kept or detained in a

1 detention home or county or municipal jail. This Section shall
2 in no way be construed to limit subsection (6).

3 (6) No minor under 16 years of age may be confined in a
4 jail or place ordinarily used for the confinement of prisoners
5 in a police station. Minors under 18 years of age must be kept
6 separate from confined adults and may not at any time be kept
7 in the same cell, room, or yard with adults confined pursuant
8 to the criminal law.

9 (7) If the minor is not brought before a judicial officer
10 within the time period as specified in Section 2-9, the minor
11 must immediately be released from custody.

12 (8) If neither the parent, guardian or custodian appears
13 within 24 hours to take custody of a minor released upon
14 request pursuant to subsection (2) of this Section, then the
15 clerk of the court shall set the matter for rehearing not later
16 than 7 days after the original order and shall issue a summons
17 directed to the parent, guardian or custodian to appear. At the
18 same time the probation department shall prepare a report on
19 the minor. If a parent, guardian or custodian does not appear
20 at such rehearing, the judge may enter an order prescribing
21 that the minor be kept in a suitable place designated by the
22 Department of Children and Family Services or a licensed child
23 welfare agency.

24 (9) Notwithstanding any other provision of this Section any
25 interested party, including the State, the temporary
26 custodian, an agency providing services to the minor or family

1 under a service plan pursuant to Section 8.2 of the Abused and
2 Neglected Child Reporting Act, foster parent, or any of their
3 representatives, on notice to all parties entitled to notice,
4 may file a motion that it is in the best interests of the minor
5 to modify or vacate a temporary custody order on any of the
6 following grounds:

7 (a) It is no longer a matter of immediate and urgent
8 necessity that the minor remain in shelter care; or

9 (b) There is a material change in the circumstances of
10 the natural family from which the minor was removed and the
11 child can be cared for at home without endangering the
12 child's health or safety; or

13 (c) A person not a party to the alleged abuse, neglect
14 or dependency, including a parent, relative or legal
15 guardian, is capable of assuming temporary custody of the
16 minor; or

17 (d) Services provided by the Department of Children and
18 Family Services or a child welfare agency or other service
19 provider have been successful in eliminating the need for
20 temporary custody and the child can be cared for at home
21 without endangering the child's health or safety.

22 In ruling on the motion, the court shall determine whether
23 it is consistent with the health, safety and best interests of
24 the minor to modify or vacate a temporary custody order.

25 The clerk shall set the matter for hearing not later than
26 14 days after such motion is filed. In the event that the court

1 modifies or vacates a temporary custody order but does not
2 vacate its finding of probable cause, the court may order that
3 appropriate services be continued or initiated in behalf of the
4 minor and his or her family.

5 (10) When the court finds or has found that there is
6 probable cause to believe a minor is an abused minor as
7 described in subsection (2) of Section 2-3 and that there is an
8 immediate and urgent necessity for the abused minor to be
9 placed in shelter care, immediate and urgent necessity shall be
10 presumed for any other minor residing in the same household as
11 the abused minor provided:

12 (a) Such other minor is the subject of an abuse or
13 neglect petition pending before the court; and

14 (b) A party to the petition is seeking shelter care for
15 such other minor.

16 Once the presumption of immediate and urgent necessity has
17 been raised, the burden of demonstrating the lack of immediate
18 and urgent necessity shall be on any party that is opposing
19 shelter care for the other minor.

20 (11) The changes made to this Section by Public Act 98-61
21 apply to a minor who has been arrested or taken into custody on
22 or after January 1, 2014 (the effective date of Public Act
23 98-61).

24 (12) After the court has placed a minor in the care of a
25 temporary custodian pursuant to this Section, any party may
26 file a motion requesting the court to grant the temporary

1 custodian the authority to serve as a surrogate decision maker
2 for the minor under the Health Care Surrogate Act for purposes
3 of making decisions pursuant to paragraph (1) of subsection (b)
4 of Section 20 of the Health Care Surrogate Act. The court may
5 grant the motion if it determines by clear and convincing
6 evidence that it is in the best interests of the minor to grant
7 the temporary custodian such authority. In making its
8 determination, the court shall weigh the following factors in
9 addition to considering the best interests factors listed in
10 subsection (4.05) of Section 1-3 of this Act:

11 (a) the efforts to identify and locate the respondents
12 and adult family members of the minor and the results of
13 those efforts;

14 (b) the efforts to engage the respondents and adult
15 family members of the minor in decision making on behalf of
16 the minor;

17 (c) the length of time the efforts in paragraphs (a)
18 and (b) have been ongoing;

19 (d) the relationship between the respondents and adult
20 family members and the minor;

21 (e) medical testimony regarding the extent to which the
22 minor is suffering and the impact of a delay in
23 decision-making on the minor; and

24 (f) any other factor the court deems relevant.

25 If the Department of Children and Family Services is the
26 temporary custodian of the minor, in addition to the

1 requirements of paragraph (1) of subsection (b) of Section 20
2 of the Health Care Surrogate Act, the Department shall follow
3 its rules and procedures in exercising authority granted under
4 this subsection.

5 (Source: P.A. 99-625, eff. 1-1-17; 99-642, eff. 7-28-16;
6 100-159, eff. 8-18-17; 100-863, eff. 8-14-18; 100-959, eff.
7 1-1-19.)

8 (705 ILCS 405/2-13.1)

9 Sec. 2-13.1. Early termination of reasonable efforts.

10 (1) (a) In conjunction with, or at any time subsequent to,
11 the filing of a petition on behalf of a minor in accordance
12 with Section 2-13 of this Act, the State's Attorney, the
13 guardian ad litem, child representative, or the Department of
14 Children and Family Services may file a motion requesting a
15 finding that reasonable efforts to reunify that minor with his
16 or her parent or parents are no longer required and are to
17 cease.

18 (b) The court shall grant this motion with respect to a
19 parent of the minor if the court finds after a hearing that the
20 parent has:

21 (i) had his or her parental rights to another child of
22 the parent involuntarily terminated; or

23 (ii) been convicted of:

24 (A) first degree or second degree murder of another
25 child of the parent;

1 (B) attempt or conspiracy to commit first degree or
2 second degree murder of another child of the parent;

3 (C) solicitation to commit murder of another child
4 of the parent, solicitation to commit murder for hire
5 of another child of the parent, or solicitation to
6 commit second degree murder of another child of the
7 parent;

8 (D) aggravated battery, aggravated battery of a
9 child, or felony domestic battery, any of which has
10 resulted in serious bodily injury to the minor or
11 another child of the parent; or

12 (E) an offense in any other state the elements of
13 which are similar and bear substantial relationship to
14 any of the foregoing offenses

15 unless the court sets forth in writing a compelling reason why
16 terminating reasonable efforts to reunify the minor with the
17 parent would not be in the best interests of that minor.

18 (c) The court shall also grant this motion with respect to
19 a parent of the minor if:

20 (i) after a hearing it determines that further
21 reunification services would no longer be appropriate, and

22 (ii) a dispositional hearing has already taken place.

23 (2) (a) The court shall hold a permanency hearing within 30
24 days of granting a motion pursuant to this subsection. If an
25 adjudicatory or a dispositional hearing, or both, has not taken
26 place when the court grants a motion pursuant to this Section,

1 then either or both hearings shall be held as needed so that
2 both take place on or before the date a permanency hearing is
3 held pursuant to this subsection.

4 (b) Following a permanency hearing held pursuant to
5 paragraph (a) of this subsection, the appointed custodian or
6 guardian of the minor shall make reasonable efforts to place
7 the child in accordance with the permanency plan and goal set
8 by the court, and to complete the necessary steps to locate and
9 finalize a permanent placement.

10 (Source: P.A. 90-608, eff. 6-30-98.)

11 (705 ILCS 405/2-15) (from Ch. 37, par. 802-15)

12 Sec. 2-15. Summons.

13 (1) When a petition is filed, the clerk of the court shall
14 issue a summons with a copy of the petition attached. The
15 summons shall be directed to the minor's legal guardian or
16 custodian and to each person named as a respondent in the
17 petition, except that summons need not be directed to a minor
18 respondent under 8 years of age for whom the court appoints a
19 guardian ad litem or child representative if the guardian ad
20 litem or child representative appears on behalf of the minor in
21 any proceeding under this Act.

22 (2) The summons must contain a statement that the minor or
23 any of the respondents is entitled to have an attorney present
24 at the hearing on the petition, and that the clerk of the court
25 should be notified promptly if the minor or any other

1 respondent desires to be represented by an attorney but is
2 financially unable to employ counsel.

3 (3) The summons shall be issued under the seal of the
4 court, attested in and signed with the name of the clerk of the
5 court, dated on the day it is issued, and shall require each
6 respondent to appear and answer the petition on the date set
7 for the adjudicatory hearing. The summons shall contain a
8 notice that the parties will not be entitled to further written
9 notices or publication notices of proceedings in this case,
10 including the filing of an amended petition or a motion to
11 terminate parental rights, except as required by Supreme Court
12 Rule 11.

13 (4) The summons may be served by any county sheriff,
14 coroner or probation officer, even though the officer is the
15 petitioner. The return of the summons with endorsement of
16 service by the officer is sufficient proof thereof.

17 (5) Service of a summons and petition shall be made by: (a)
18 leaving a copy thereof with the person summoned at least 3 days
19 before the time stated therein for appearance; (b) leaving a
20 copy at his or her usual place of abode with some person of the
21 family or a person residing there, of the age of 10 years or
22 upwards, and informing that person of the contents thereof,
23 provided the officer or other person making service shall also
24 send a copy of the summons in a sealed envelope with postage
25 fully prepaid, addressed to the person summoned at his usual
26 place of abode, at least 3 days before the time stated therein

1 for appearance; or (c) leaving a copy thereof with the guardian
2 or custodian of a minor, at least 3 days before the time stated
3 therein for appearance. If the guardian or custodian is an
4 agency of the State of Illinois, proper service may be made by
5 leaving a copy of the summons and petition with any
6 administrative employee of such agency designated by such
7 agency to accept service of summons and petitions. The
8 certificate of the officer or affidavit of the person that he
9 has sent the copy pursuant to this Section is sufficient proof
10 of service.

11 (6) When a parent or other person, who has signed a written
12 promise to appear and bring the minor to court or who has
13 waived or acknowledged service, fails to appear with the minor
14 on the date set by the court, a bench warrant may be issued for
15 the parent or other person, the minor, or both.

16 (7) The appearance of the minor's legal guardian or
17 custodian, or a person named as a respondent in a petition, in
18 any proceeding under this Act shall constitute a waiver of
19 service of summons and submission to the jurisdiction of the
20 court, except that the filing of a motion authorized under
21 Section 2-301 of the Code of Civil Procedure does not
22 constitute an appearance under this subsection. A copy of the
23 summons and petition shall be provided to the person at the
24 time of his appearance.

25 (8) Notice to a parent who has appeared or been served with
26 summons personally or by certified mail, and for whom an order

1 of default has been entered on the petition for wardship and
2 has not been set aside shall be provided in accordance with
3 Supreme Court Rule 11. Notice to a parent who was served by
4 publication and for whom an order of default has been entered
5 on the petition for wardship and has not been set aside shall
6 be provided in accordance with this Section and Section 2-16.

7 (Source: P.A. 101-146, eff. 1-1-20.)

8 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

9 Sec. 2-17. Guardian ad litem and child representative.

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

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

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

24 Unless the guardian ad litem or child representative
25 appointed pursuant to this paragraph (1) is an attorney at law,

1 he shall be represented in the performance of his duties by
2 counsel. The guardian ad litem or child representative shall
3 represent the best interests of the minor and shall present
4 recommendations to the court consistent with that duty.

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

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

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

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

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

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

23 (5) The reasonable fees of a guardian ad litem or child
24 representative appointed under this Section shall be fixed by
25 the court and charged to the parents of the minor, to the
26 extent they are able to pay. If the parents are unable to pay

1 those fees, they shall be paid from the general fund of the
2 county.

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

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

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

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

1 in-person contact with the child and one contact with one of
2 the current foster parents or caregivers after the adjudicatory
3 hearing but prior to the first permanency hearing and one
4 additional in-person contact with the child and one contact
5 with one of the current foster parents or caregivers each
6 subsequent year. For good cause shown, the judge may excuse
7 face-to-face interviews required in this subsection.

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

22 (Source: P.A. 100-689, eff. 1-1-19; 101-81, eff. 7-12-19.)

23 (705 ILCS 405/2-17.1)

24 Sec. 2-17.1. Court appointed special advocate.

25 (1) The court may appoint a special advocate upon the

1 filing of a petition under this Article or at any time during
2 the pendency of a proceeding under this Article. Except in
3 counties with a population over 3,000,000, the court appointed
4 special advocate may also serve as guardian ad litem or child
5 representative by appointment of the court under Section 2-17
6 of this Act.

7 (2) The court appointed special advocate shall act as a
8 monitor and shall be notified of all administrative case
9 reviews pertaining to the minor and work with the parties'
10 attorneys, the guardian ad litem or child representative, and
11 others assigned to the minor's case to protect the minor's
12 health, safety and best interests and insure the proper
13 delivery of child welfare services. The court may consider, at
14 its discretion, testimony of the court appointed special
15 advocate pertaining to the well-being of the child.

16 (3) Court appointed special advocates shall serve as
17 volunteers without compensation and shall receive training
18 consistent with nationally developed standards.

19 (4) No person convicted of a criminal offense as specified
20 in Section 4.2 of the Child Care Act of 1969 and no person
21 identified as a perpetrator of an act of child abuse or neglect
22 as reflected in the Department of Children and Family Services
23 State Central Register shall serve as a court appointed special
24 advocate.

25 (5) All costs associated with the appointment and duties of
26 the court appointed special advocate shall be paid by the court

1 appointed special advocate or an organization of court
2 appointed special advocates. In no event shall the court
3 appointed special advocate be liable for any costs of services
4 provided to the child.

5 (6) The court may remove the court appointed special
6 advocate or the guardian ad litem or child representative from
7 a case upon finding that the court appointed special advocate
8 or the guardian ad litem or child representative has acted in a
9 manner contrary to the child's best interest or if the court
10 otherwise deems continued service is unwanted or unnecessary.

11 (7) In any county in which a program of court appointed
12 special advocates is in operation, the provisions of this
13 Section shall apply unless the county board of that county, by
14 resolution, determines that the county shall not be governed by
15 this Section.

16 (8) Any court appointed special advocate acting in good
17 faith within the scope of his or her appointment shall have
18 immunity from any civil or criminal liability that otherwise
19 might result by reason of his or her actions, except in cases
20 of willful and wanton misconduct. For the purpose of any civil
21 or criminal proceedings, the good faith of any court appointed
22 special advocate shall be presumed.

23 (Source: P.A. 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 91-357,
24 eff. 7-29-99.)

25 (705 ILCS 405/2-24) (from Ch. 37, par. 802-24)

1 Sec. 2-24. Protective supervision.

2 (1) If the order of disposition, following a determination
3 of the best interests of the minor, releases the minor to the
4 custody of his parents, guardian or legal custodian, or
5 continues him in such custody, the court may, if the health,
6 safety and best interests of the minor require, place the
7 person having custody of the minor, except for representatives
8 of private or public agencies or governmental departments,
9 under supervision of the probation office.

10 (2) An order of protective supervision may require the
11 parent to present the child for periodic medical examinations,
12 which shall include an opportunity for medical personnel to
13 speak with and examine the child outside the presence of the
14 parent. The results of the medical examinations conducted in
15 accordance with this Section shall be made available to the
16 Department, the guardian ad litem, child representative, and
17 the court.

18 (3) Rules or orders of court shall define the terms and
19 conditions of protective supervision, which may be modified or
20 terminated when the court finds that the health, safety and
21 best interests of the minor and the public will be served
22 thereby.

23 (Source: P.A. 90-28, eff. 1-1-98.)

24 (705 ILCS 405/2-27.1)

25 Sec. 2-27.1. Placement; secure child care facility.

1 (1) A minor under 18 years of age and who is subject under
2 Article II of this Act to a secure child care facility may be
3 admitted to a secure child care facility for inpatient
4 treatment upon application to the facility director if, prior
5 to admission, the facility director and the Director of the
6 Department of Children and Family Services or the Director's
7 designate find that: the minor has a mental illness or
8 emotional disturbance, including but not limited to a behavior
9 disorder, of such severity that placement in a secure child
10 care facility is necessary because in the absence of such a
11 placement, the minor is likely to endanger self or others or
12 not meet his or her basic needs and this placement is the least
13 restrictive alternative. Prior to admission, a psychiatrist,
14 clinical social worker, or clinical psychologist who has
15 personally examined the minor shall state in writing that the
16 minor meets the standards for admission. The statement must set
17 forth in detail the reasons for that conclusion and shall
18 indicate what alternatives to secure treatment have been
19 explored. When the minor is placed in a child care facility
20 which includes a secure child care facility in addition to a
21 less restrictive setting, and the application for admission
22 states that the minor will be permanently placed in the less
23 restrictive setting of the child care facility as part of his
24 or her permanency plan after the need for secure treatment has
25 ended, the psychiatrist, clinical social worker, or clinical
26 psychologist shall state the reasons for the minor's need to be

1 placed in secure treatment, the conditions under which the
2 minor may be placed in the less restrictive setting of the
3 facility, and the conditions under which the minor may need to
4 be returned to secure treatment.

5 (2) The application for admission under this Section shall
6 contain, in large bold-face type, a statement written in simple
7 non-technical terms of the minor's right to object and the
8 right to a hearing. A minor 12 years of age or older must be
9 given a copy of the application and the statement should be
10 explained to him or her in an understandable manner. A copy of
11 the application shall also be given to the person who executed
12 it, the designate of the Director of the Department of Children
13 and Family Services, the minor's parent, the minor's attorney,
14 and, if the minor is 12 years of age or older, 2 other persons
15 whom the minor may designate, excluding persons whose
16 whereabouts cannot reasonably be ascertained.

17 (3) Thirty days after admission, the facility director
18 shall review the minor's record and assess the need for
19 continuing placement in a secure child care facility. When the
20 minor has been placed in a child care facility which includes a
21 secure child care facility in addition to a less restrictive
22 setting, and the application for admission states that the
23 minor will be permanently placed in the less restrictive
24 setting of the child care facility as part of his or her
25 permanency plan after the need for secure treatment has ended,
26 the facility director shall review the stated reasons for the

1 minor's need to be placed in secure treatment, the conditions
2 under which the minor may be placed in the less restrictive
3 setting of the facility, and the conditions under which the
4 minor may need to be returned to secure treatment. The director
5 of the facility shall consult with the designate of the
6 Director of the Department of Children and Family Services and
7 request authorization for continuing placement of the minor.
8 Request and authorization should be noted in the minor's
9 record. Every 60 days thereafter a review shall be conducted
10 and new authorization shall be secured from the designate for
11 as long as placement continues. Failure or refusal to authorize
12 continued placement shall constitute a request for the minor's
13 discharge.

14 (4) At any time during a minor's placement in a secure
15 child care facility, an objection may be made to that placement
16 by the minor, the minor's parents (except where parental rights
17 have been terminated), the minor's guardian ad litem, child
18 representative, or the minor's attorney. When an objection is
19 made, the minor shall be discharged at the earliest appropriate
20 time not to exceed 15 days, including Saturdays, Sundays, and
21 holidays unless the objection is withdrawn in writing or
22 unless, within that time, the Director or his or her designate
23 files with the Court a petition for review of the admission.
24 The petition must be accompanied by a certificate signed by a
25 psychiatrist, clinical social worker, or clinical
26 psychologist. The certificate shall be based upon a personal

1 examination and shall specify that the minor has a mental
2 illness or an emotional disturbance of such severity that
3 placement in a secure facility is necessary, that the minor can
4 benefit from the placement, that a less restrictive alternative
5 is not appropriate, and that the placement is in the minor's
6 best interest.

7 (5) Upon receipt of a petition, the court shall set a
8 hearing to be held within 5 days, excluding Saturdays, Sundays,
9 and holidays. The court shall direct that notice of the time
10 and place of the hearing shall be served upon the minor, his or
11 her attorney and the minor's guardian ad litem, child
12 representative, the Director of the Department of Children and
13 Family Services or his or her designate, the State's Attorney,
14 and the attorney for the parents.

15 (6) The court shall order the minor discharged from the
16 secure child care facility if it determines that the minor does
17 not have a mental illness or emotional disturbance of such
18 severity that placement in a secure facility is necessary, or
19 if it determines that a less restrictive alternative is
20 appropriate.

21 (7) If however, the court finds that the minor does have a
22 mental illness or an emotional disturbance for which the minor
23 is likely to benefit from treatment but that a less restrictive
24 alternative is appropriate, the court shall order that the
25 Department of Children and Family Services prepare a case plan
26 for the minor which permits alternative treatment which is

1 capable of providing adequate and humane treatment in the least
2 restrictive setting that is appropriate to the minor's
3 condition and serves the minor's best interests, and shall
4 authorize the continued placement of the minor in the secure
5 child care facility. At each permanency hearing conducted
6 thereafter, the court shall determine whether the minor does
7 not have a mental illness or emotional disturbance of such
8 severity that placement in a secure facility is necessary or,
9 if a less restrictive alternative is appropriate. If either of
10 these 2 conditions are not met, the court shall order the minor
11 discharged from the secure child care facility.

12 (8) Unwillingness or inability of the Department of
13 Children and Family Services to find a placement for the minor
14 shall not be grounds for the court's refusing to order
15 discharge of the minor.

16 (Source: P.A. 90-608, eff. 6-30-98.)

17 (705 ILCS 405/2-28.1)

18 Sec. 2-28.1. Permanency hearings; before hearing officers.

19 (a) The chief judge of the circuit court may appoint
20 hearing officers to conduct the permanency hearings set forth
21 in subsection (2) of Section 2-28, in accordance with the
22 provisions of this Section. The hearing officers shall be
23 attorneys with at least 3 years experience in child abuse and
24 neglect or permanency planning and in counties with a
25 population of 3,000,000 or more, any hearing officer appointed

1 after September 1, 1997, must be an attorney admitted to
2 practice for at least 7 years. Once trained by the court,
3 hearing officers shall be authorized to do the following:

4 (1) Conduct a fair and impartial hearing.

5 (2) Summon and compel the attendance of witnesses.

6 (3) Administer the oath or affirmation and take
7 testimony under oath or affirmation.

8 (4) Require the production of evidence relevant to the
9 permanency hearing to be conducted. That evidence may
10 include, but need not be limited to case plans, social
11 histories, medical and psychological evaluations, child
12 placement histories, visitation records, and other
13 documents and writings applicable to those items.

14 (5) Rule on the admissibility of evidence using the
15 standard applied at a dispositional hearing under Section
16 2-22 of this Act.

17 (6) When necessary, cause notices to be issued
18 requiring parties, the public agency that is custodian or
19 guardian of the minor, or another agency responsible for
20 the minor's care to appear either before the hearing
21 officer or in court.

22 (7) Analyze the evidence presented to the hearing
23 officer and prepare written recommended orders, including
24 findings of fact, based on the evidence.

25 (8) Prior to the hearing, conduct any pre-hearings that
26 may be necessary.

1 (9) Conduct in camera interviews with children when
2 requested by a child or the child's guardian ad litem or
3 child representative.

4 In counties with a population of 3,000,000 or more, hearing
5 officers shall also be authorized to do the following:

6 (i) Accept specific consents for adoption or
7 surrenders of parental rights from a parent or parents.

8 (ii) Conduct hearings on the progress made toward the
9 permanency goal set for the minor.

10 (iii) Perform other duties as assigned by the court.

11 (b) The hearing officer shall consider evidence and conduct
12 the permanency hearings as set forth in subsections (2) and (3)
13 of Section 2-28 in accordance with the standards set forth
14 therein. The hearing officer shall assure that a verbatim
15 record of the proceedings is made and retained for a period of
16 12 months or until the next permanency hearing, whichever date
17 is later, and shall direct to the clerk of the court all
18 documents and evidence to be made part of the court file. The
19 hearing officer shall inform the participants of their
20 individual rights and responsibilities. The hearing officer
21 shall identify the issues to be reviewed under subsection (2)
22 of Section 2-28, consider all relevant facts, and receive or
23 request any additional information necessary to make
24 recommendations to the court.

25 If a party fails to appear at the hearing, the hearing
26 officer may proceed to the permanency hearing with the parties

1 present at the hearing. The hearing officer shall specifically
2 note for the court the absence of any parties. If all parties
3 are present at the permanency hearing, and the parties and the
4 Department are in agreement that the service plan and
5 permanency goal are appropriate or are in agreement that the
6 permanency goal for the child has been achieved, the hearing
7 officer shall prepare a recommended order, including findings
8 of fact, to be submitted to the court, and all parties and the
9 Department shall sign the recommended order at the time of the
10 hearing. The recommended order will then be submitted to the
11 court for its immediate consideration and the entry of an
12 appropriate order.

13 The court may enter an order consistent with the
14 recommended order without further hearing or notice to the
15 parties, may refer the matter to the hearing officer for
16 further proceedings, or may hold such additional hearings as
17 the court deems necessary. All parties present at the hearing
18 and the Department shall be tendered a copy of the court's
19 order at the conclusion of the hearing.

20 (c) If one or more parties are not present at the
21 permanency hearing, or any party or the Department of Children
22 and Family Services objects to the hearing officer's
23 recommended order, including any findings of fact, the hearing
24 officer shall set the matter for a judicial determination
25 within 30 days of the permanency hearing for the entry of the
26 recommended order or for receipt of the parties' objections.

1 Any objections shall be in writing and identify the specific
2 findings or recommendations that are contested, the basis for
3 the objections, and the evidence or applicable law supporting
4 the objection. The recommended order and its contents may not
5 be disclosed to anyone other than the parties and the
6 Department or other agency unless otherwise specifically
7 ordered by a judge of the court.

8 Following the receipt of objections consistent with this
9 subsection from any party or the Department of Children and
10 Family Services to the hearing officer's recommended orders,
11 the court shall make a judicial determination of those portions
12 of the order to which objections were made, and shall enter an
13 appropriate order. The court may refuse to review any
14 objections that fail to meet the requirements of this
15 subsection.

16 (d) The following are judicial functions and shall be
17 performed only by a circuit judge or associate judge:

18 (1) Review of the recommended orders of the hearing
19 officer and entry of orders the court deems appropriate.

20 (2) Conduct of judicial hearings on all pre-hearing
21 motions and other matters that require a court order and
22 entry of orders as the court deems appropriate.

23 (3) Conduct of judicial determinations on all matters
24 in which the parties or the Department of Children and
25 Family Services disagree with the hearing officer's
26 recommended orders under subsection (3).

1 (4) Issuance of rules to show cause, conduct of
2 contempt proceedings, and imposition of appropriate
3 sanctions or relief.

4 (Source: P.A. 89-17, eff. 5-31-95; 90-27, eff. 1-1-98; 90-28,
5 eff. 1-1-98; 90-87, eff. 9-1-97; 90-608, eff. 6-30-98; 90-655,
6 eff. 7-30-98.)

7 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

8 Sec. 3-12. Shelter care hearing. At the appearance of the
9 minor before the court at the shelter care hearing, all
10 witnesses present shall be examined before the court in
11 relation to any matter connected with the allegations made in
12 the petition.

13 (1) If the court finds that there is not probable cause to
14 believe that the minor is a person requiring authoritative
15 intervention, it shall release the minor and dismiss the
16 petition.

17 (2) If the court finds that there is probable cause to
18 believe that the minor is a person requiring authoritative
19 intervention, the minor, his or her parent, guardian, custodian
20 and other persons able to give relevant testimony shall be
21 examined before the court. After such testimony, the court may
22 enter an order that the minor shall be released upon the
23 request of a parent, guardian or custodian if the parent,
24 guardian or custodian appears to take custody. "Custodian"
25 includes the Department of Children and Family Services, if it

1 has been given custody of the child, or any other agency of the
2 State which has been given custody or wardship of the child.
3 The Court shall require documentation by representatives of the
4 Department of Children and Family Services or the probation
5 department as to the reasonable efforts that were made to
6 prevent or eliminate the necessity of removal of the minor from
7 his or her home, and shall consider the testimony of any person
8 as to those reasonable efforts. If the court finds that it is a
9 matter of immediate and urgent necessity for the protection of
10 the minor or of the person or property of another that the
11 minor be placed in a shelter care facility, or that he or she
12 is likely to flee the jurisdiction of the court, and further
13 finds that reasonable efforts have been made or good cause has
14 been shown why reasonable efforts cannot prevent or eliminate
15 the necessity of removal of the minor from his or her home, the
16 court may prescribe shelter care and order that the minor be
17 kept in a suitable place designated by the court or in a
18 shelter care facility designated by the Department of Children
19 and Family Services or a licensed child welfare agency;
20 otherwise it shall release the minor from custody. If the court
21 prescribes shelter care, then in placing the minor, the
22 Department or other agency shall, to the extent compatible with
23 the court's order, comply with Section 7 of the Children and
24 Family Services Act. If the minor is ordered placed in a
25 shelter care facility of the Department of Children and Family
26 Services or a licensed child welfare agency, the court shall,

1 upon request of the Department or other agency, appoint the
2 Department of Children and Family Services Guardianship
3 Administrator or other appropriate agency executive temporary
4 custodian of the minor and the court may enter such other
5 orders related to the temporary custody as it deems fit and
6 proper, including the provision of services to the minor or his
7 family to ameliorate the causes contributing to the finding of
8 probable cause or to the finding of the existence of immediate
9 and urgent necessity. Acceptance of services shall not be
10 considered an admission of any allegation in a petition made
11 pursuant to this Act, nor may a referral of services be
12 considered as evidence in any proceeding pursuant to this Act,
13 except where the issue is whether the Department has made
14 reasonable efforts to reunite the family. In making its
15 findings that reasonable efforts have been made or that good
16 cause has been shown why reasonable efforts cannot prevent or
17 eliminate the necessity of removal of the minor from his or her
18 home, the court shall state in writing its findings concerning
19 the nature of the services that were offered or the efforts
20 that were made to prevent removal of the child and the apparent
21 reasons that such services or efforts could not prevent the
22 need for removal. The parents, guardian, custodian, temporary
23 custodian and minor shall each be furnished a copy of such
24 written findings. The temporary custodian shall maintain a copy
25 of the court order and written findings in the case record for
26 the child.

1 The order together with the court's findings of fact and
2 support thereof shall be entered of record in the court.

3 Once the court finds that it is a matter of immediate and
4 urgent necessity for the protection of the minor that the minor
5 be placed in a shelter care facility, the minor shall not be
6 returned to the parent, custodian or guardian until the court
7 finds that such placement is no longer necessary for the
8 protection of the minor.

9 (3) If prior to the shelter care hearing for a minor
10 described in Sections 2-3, 2-4, 3-3, and 4-3 the petitioner is
11 unable to serve notice on the party respondent, the shelter
12 care hearing may proceed ex parte. A shelter care order from an
13 ex parte hearing shall be endorsed with the date and hour of
14 issuance and shall be filed with the clerk's office and entered
15 of record. The order shall expire after 10 days from the time
16 it is issued unless before its expiration it is renewed, at a
17 hearing upon appearance of the party respondent, or upon an
18 affidavit of the moving party as to all diligent efforts to
19 notify the party respondent by notice as herein prescribed. The
20 notice prescribed shall be in writing and shall be personally
21 delivered to the minor or the minor's attorney and to the last
22 known address of the other person or persons entitled to
23 notice. The notice shall also state the nature of the
24 allegations, the nature of the order sought by the State,
25 including whether temporary custody is sought, and the
26 consequences of failure to appear; and shall explain the right

1 of the parties and the procedures to vacate or modify a shelter
2 care order as provided in this Section. The notice for a
3 shelter care hearing shall be substantially as follows:

4 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

5 On at, before the Honorable
6, (address:), the State of
7 Illinois will present evidence (1) that (name of child or
8 children) are abused, neglected or
9 dependent for the following reasons:

10
11 and (2) that there is "immediate and urgent necessity" to
12 remove the child or children from the responsible relative.

13 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
14 PLACEMENT of the child or children in foster care until a trial
15 can be held. A trial may not be held for up to 90 days.

16 At the shelter care hearing, parents have the following
17 rights:

- 18 1. To ask the court to appoint a lawyer if they cannot
19 afford one.
- 20 2. To ask the court to continue the hearing to allow
21 them time to prepare.
- 22 3. To present evidence concerning:
 - 23 a. Whether or not the child or children were
24 abused, neglected or dependent.
 - 25 b. Whether or not there is "immediate and urgent
26 necessity" to remove the child from home (including:

1 their ability to care for the child, conditions in the
2 home, alternative means of protecting the child other
3 than removal).

4 c. The best interests of the child.

5 4. To cross examine the State's witnesses.

6 The Notice for rehearings shall be substantially as
7 follows:

8 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
9 TO REHEARING ON TEMPORARY CUSTODY

10 If you were not present at and did not have adequate notice
11 of the Shelter Care Hearing at which temporary custody of
12 was awarded to, you have the
13 right to request a full rehearing on whether the State should
14 have temporary custody of To request this
15 rehearing, you must file with the Clerk of the Juvenile Court
16 (address):, in person or by mailing a
17 statement (affidavit) setting forth the following:

18 1. That you were not present at the shelter care
19 hearing.

20 2. That you did not get adequate notice (explaining how
21 the notice was inadequate).

22 3. Your signature.

23 4. Signature must be notarized.

24 The rehearing should be scheduled within one day of your
25 filing this affidavit.

26 At the rehearing, your rights are the same as at the

1 initial shelter care hearing. The enclosed notice explains
2 those rights.

3 At the Shelter Care Hearing, children have the following
4 rights:

5 1. To have a guardian ad litem or child representative
6 appointed.

7 2. To be declared competent as a witness and to present
8 testimony concerning:

9 a. Whether they are abused, neglected or
10 dependent.

11 b. Whether there is "immediate and urgent
12 necessity" to be removed from home.

13 c. Their best interests.

14 3. To cross examine witnesses for other parties.

15 4. To obtain an explanation of any proceedings and
16 orders of the court.

17 (4) If the parent, guardian, legal custodian, responsible
18 relative, or counsel of the minor did not have actual notice of
19 or was not present at the shelter care hearing, he or she may
20 file an affidavit setting forth these facts, and the clerk
21 shall set the matter for rehearing not later than 48 hours,
22 excluding Sundays and legal holidays, after the filing of the
23 affidavit. At the rehearing, the court shall proceed in the
24 same manner as upon the original hearing.

25 (5) Only when there is reasonable cause to believe that the
26 minor taken into custody is a person described in subsection

1 (3) of Section 5-105 may the minor be kept or detained in a
2 detention home or county or municipal jail. This Section shall
3 in no way be construed to limit subsection (6).

4 (6) No minor under 16 years of age may be confined in a
5 jail or place ordinarily used for the confinement of prisoners
6 in a police station. Minors under 18 years of age must be kept
7 separate from confined adults and may not at any time be kept
8 in the same cell, room, or yard with adults confined pursuant
9 to the criminal law.

10 (7) If the minor is not brought before a judicial officer
11 within the time period specified in Section 3-11, the minor
12 must immediately be released from custody.

13 (8) If neither the parent, guardian or custodian appears
14 within 24 hours to take custody of a minor released upon
15 request pursuant to subsection (2) of this Section, then the
16 clerk of the court shall set the matter for rehearing not later
17 than 7 days after the original order and shall issue a summons
18 directed to the parent, guardian or custodian to appear. At the
19 same time the probation department shall prepare a report on
20 the minor. If a parent, guardian or custodian does not appear
21 at such rehearing, the judge may enter an order prescribing
22 that the minor be kept in a suitable place designated by the
23 Department of Children and Family Services or a licensed child
24 welfare agency.

25 (9) Notwithstanding any other provision of this Section,
26 any interested party, including the State, the temporary

1 custodian, an agency providing services to the minor or family
2 under a service plan pursuant to Section 8.2 of the Abused and
3 Neglected Child Reporting Act, foster parent, or any of their
4 representatives, on notice to all parties entitled to notice,
5 may file a motion to modify or vacate a temporary custody order
6 on any of the following grounds:

7 (a) It is no longer a matter of immediate and urgent
8 necessity that the minor remain in shelter care; or

9 (b) There is a material change in the circumstances of
10 the natural family from which the minor was removed; or

11 (c) A person, including a parent, relative or legal
12 guardian, is capable of assuming temporary custody of the
13 minor; or

14 (d) Services provided by the Department of Children and
15 Family Services or a child welfare agency or other service
16 provider have been successful in eliminating the need for
17 temporary custody.

18 The clerk shall set the matter for hearing not later than
19 14 days after such motion is filed. In the event that the court
20 modifies or vacates a temporary custody order but does not
21 vacate its finding of probable cause, the court may order that
22 appropriate services be continued or initiated in behalf of the
23 minor and his or her family.

24 (10) The changes made to this Section by Public Act 98-61
25 apply to a minor who has been arrested or taken into custody on
26 or after January 1, 2014 (the effective date of Public Act

1 98-61).

2 (Source: P.A. 99-642, eff. 7-28-16; 100-159, eff. 8-18-17.)

3 (705 ILCS 405/3-16) (from Ch. 37, par. 803-16)

4 Sec. 3-16. Date for adjudicatory hearing. (a) Until January
5 1, 1988:

6 (1) When a petition has been filed alleging that the minor
7 requires authoritative intervention, an adjudicatory hearing
8 shall be held within 120 days. The 120 day period in which an
9 adjudicatory hearing shall be held is tolled by: (A) delay
10 occasioned by the minor; (B) a continuance allowed pursuant to
11 Section 114-4 of the Code of Criminal Procedure of 1963 after a
12 court's determination of the minor's physical incapacity for
13 trial; or (C) an interlocutory appeal. Any such delay shall
14 temporarily suspend for the time of the delay the period within
15 which the adjudicatory hearing must be held. On the day of
16 expiration of the delay, the said period shall continue at the
17 point at which it was suspended. Where no such adjudicatory
18 hearing is held within 120 days, the court may, on written
19 motion of a minor's guardian ad litem or child representative,
20 dismiss the petition with respect to such minor. Such dismissal
21 shall be without prejudice.

22 Where the court determines that the State exercised,
23 without success, due diligence to obtain evidence material to
24 the case, and that there are reasonable grounds to believe that
25 such evidence may be obtained at a later date, the court may,

1 upon written motion by the State, continue the matter for not
2 more than 30 additional days.

3 (2) In the case of a minor ordered held in shelter care,
4 the hearing on the petition must be held within 10 judicial
5 days from the date of the order of the court directing shelter
6 care or the earliest possible date in compliance with the
7 notice provisions of Sections 3-17 and 3-18 as to the custodial
8 parent, guardian or legal custodian, but no later than 30
9 judicial days from the date of the order of the court directing
10 shelter care. Delay occasioned by the respondent shall
11 temporarily suspend, for the time of the delay, the period
12 within which a respondent must be tried pursuant to this
13 Section.

14 Upon failure to comply with the time limits specified in
15 this subsection (a)(2), the minor shall be immediately
16 released. The time limits specified in subsection (a)(1) shall
17 still apply.

18 (3) Nothing in this Section prevents the minor's exercise
19 of his or her right to waive any time limits set forth in this
20 Section.

21 (b) Beginning January 1, 1988:

22 (1) (A) When a petition has been filed alleging that the
23 minor requires authoritative intervention, an adjudicatory
24 hearing shall be held within 120 days of a demand made by any
25 party, except that when the court determines that the State,
26 without success, has exercised due diligence to obtain evidence

1 material to the case and that there are reasonable grounds to
2 believe that such evidence may be obtained at a later date, the
3 court may, upon motion by the State, continue the adjudicatory
4 hearing for not more than 30 additional days.

5 The 120 day period in which an adjudicatory hearing shall
6 be held is tolled by: (i) delay occasioned by the minor; or
7 (ii) a continuance allowed pursuant to Section 114-4 of the
8 Code of Criminal Procedure of 1963 after a court's
9 determination of the minor's physical incapacity for trial; or
10 (iii) an interlocutory appeal. Any such delay shall temporarily
11 suspend, for the time of the delay, the period within which the
12 adjudicatory hearing must be held. On the day of expiration of
13 the delay, the said period shall continue at the point at which
14 it was suspended.

15 (B) When no such adjudicatory hearing is held within the
16 time required by paragraph (b) (1) (A) of this Section, the court
17 shall, upon motion by any party, dismiss the petition with
18 prejudice.

19 (2) Without affecting the applicability of the tolling and
20 multiple prosecution provisions of paragraph (b) (1) of this
21 Section, when a petition has been filed alleging that the minor
22 requires authoritative intervention and the minor is in shelter
23 care, the adjudicatory hearing shall be held within 10 judicial
24 days after the date of the order directing shelter care, or the
25 earliest possible date in compliance with the notice provisions
26 of Sections 3-17 and 3-18 as to the custodial parent, guardian

1 or legal custodian, but no later than 30 judicial days from the
2 date of the order of the court directing shelter care.

3 (3) Any failure to comply with the time limits of paragraph
4 (b) (2) of this Section shall require the immediate release of
5 the minor from shelter care, and the time limits of paragraph
6 (b) (1) shall apply.

7 (4) Nothing in this Section prevents the minor or the
8 minor's parents or guardian from exercising their respective
9 rights to waive the time limits set forth in this Section.

10 (Source: P.A. 85-601.)

11 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

12 Sec. 3-17. Summons. (1) When a petition is filed, the clerk
13 of the court shall issue a summons with a copy of the petition
14 attached. The summons shall be directed to the minor's legal
15 guardian or custodian and to each person named as a respondent
16 in the petition, except that summons need not be directed to a
17 minor respondent under 8 years of age for whom the court
18 appoints a guardian ad litem or child representative if the
19 guardian ad litem or child representative appears on behalf of
20 the minor in any proceeding under this Act.

21 (2) The summons must contain a statement that the minor or
22 any of the respondents is entitled to have an attorney present
23 at the hearing on the petition, and that the clerk of the court
24 should be notified promptly if the minor or any other
25 respondent desires to be represented by an attorney but is

1 financially unable to employ counsel.

2 (3) The summons shall be issued under the seal of the
3 court, attested to and signed with the name of the clerk of the
4 court, dated on the day it is issued, and shall require each
5 respondent to appear and answer the petition on the date set
6 for the adjudicatory hearing.

7 (4) The summons may be served by any county sheriff,
8 coroner or probation officer, even though the officer is the
9 petitioner. The return of the summons with endorsement of
10 service by the officer is sufficient proof thereof.

11 (5) Service of a summons and petition shall be made by: (a)
12 leaving a copy thereof with the person summoned at least 3 days
13 before the time stated therein for appearance; (b) leaving a
14 copy at his usual place of abode with some person of the
15 family, of the age of 10 years or upwards, and informing that
16 person of the contents thereof, provided the officer or other
17 person making service shall also send a copy of the summons in
18 a sealed envelope with postage fully prepaid, addressed to the
19 person summoned at his usual place of abode, at least 3 days
20 before the time stated therein for appearance; or (c) leaving a
21 copy thereof with the guardian or custodian of a minor, at
22 least 3 days before the time stated therein for appearance. If
23 the guardian or custodian is an agency of the State of
24 Illinois, proper service may be made by leaving a copy of the
25 summons and petition with any administrative employee of such
26 agency designated by such agency to accept service of summons

1 and petitions. The certificate of the officer or affidavit of
2 the person that he has sent the copy pursuant to this Section
3 is sufficient proof of service.

4 (6) When a parent or other person, who has signed a written
5 promise to appear and bring the minor to court or who has
6 waived or acknowledged service, fails to appear with the minor
7 on the date set by the court, a bench warrant may be issued for
8 the parent or other person, the minor, or both.

9 (7) The appearance of the minor's legal guardian or
10 custodian, or a person named as a respondent in a petition, in
11 any proceeding under this Act shall constitute a waiver of
12 service of summons and submission to the jurisdiction of the
13 court. A copy of the summons and petition shall be provided to
14 the person at the time of his appearance.

15 (Source: P.A. 86-441.)

16 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

17 Sec. 3-19. Guardian ad litem or child representative.

18 (1) Immediately upon the filing of a petition alleging that
19 the minor requires authoritative intervention, the court may
20 appoint a guardian ad litem or child representative for the
21 minor if

22 (a) such petition alleges that the minor is the victim
23 of sexual abuse or misconduct; or

24 (b) such petition alleges that charges alleging the
25 commission of any of the sex offenses defined in Article 11

1 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
2 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, have
4 been filed against a defendant in any court and that such
5 minor is the alleged victim of the acts of the defendant in
6 the commission of such offense.

7 (2) Unless the guardian ad litem or child representative
8 appointed pursuant to paragraph (1) is an attorney at law he
9 shall be represented in the performance of his duties by
10 counsel.

11 (3) Before proceeding with the hearing, the court shall
12 appoint a guardian ad litem or child representative for the
13 minor if

14 (a) no parent, guardian, custodian or relative of the
15 minor appears at the first or any subsequent hearing of the
16 case;

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

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

22 (4) The court may appoint a guardian ad litem or child
23 representative for the minor whenever it finds that there may
24 be a conflict of interest between the minor and his parents or
25 other custodian or that it is otherwise in the minor's interest
26 to do so.

1 (5) The reasonable fees of a guardian ad litem or child
2 representative appointed under this Section shall be fixed by
3 the court and charged to the parents of the minor, to the
4 extent they are able to pay. If the parents are unable to pay
5 those fees, they shall be paid from the general fund of the
6 county.

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

8 (705 ILCS 405/4-13) (from Ch. 37, par. 804-13)

9 Sec. 4-13. Date for adjudicatory hearing. (a) Until January
10 1, 1988:

11 (1) When a petition has been filed alleging that the minor
12 is an addict under this Article, an adjudicatory hearing shall
13 be held within 120 days. The 120 day period in which an
14 adjudicatory hearing shall be held is tolled by: (A) delay
15 occasioned by the minor; (B) a continuance allowed pursuant to
16 Section 114-4 of the Code of Criminal Procedure of 1963 after a
17 court's determination of the minor's physical incapacity for
18 trial; or (C) an interlocutory appeal. Any such delay shall
19 temporarily suspend for the time of the delay the period within
20 which the adjudicatory hearing must be held. On the day of
21 expiration of the delay, the said period shall continue at the
22 point at which it was suspended. Where no such adjudicatory
23 hearing is held within 120 days the court may, upon written
24 motion of such minor's guardian ad litem or child
25 representative, dismiss the petition with respect to such

1 minor. Such dismissal shall be without prejudice.

2 Where the court determines that the State has exercised,
3 without success, due diligence to obtain evidence material to
4 the case, and that there are reasonable grounds to believe that
5 such evidence may be obtained at a later date the court may,
6 upon written motion by the state, continue the matter for not
7 more than 30 additional days.

8 (2) In the case of a minor ordered held in shelter care,
9 the hearing on the petition must be held within 10 judicial
10 days from the date of the order of the court directing shelter
11 care, or the earliest possible date in compliance with the
12 notice provisions of Sections 4-14 and 4-15 as to the custodial
13 parent, guardian or legal custodian, but no later than 30
14 judicial days from the date of the order of the court directing
15 shelter care. Delay occasioned by the respondent shall
16 temporarily suspend, for the time of the delay, the period
17 within which a respondent must be brought to an adjudicatory
18 hearing pursuant to this Section.

19 Any failure to comply with the time limits of this
20 subsection must require the immediate release of the minor and
21 the time limits of subsection (a) (1) shall apply.

22 (3) Nothing in this Section prevents the minor's exercise
23 of his or her right to waive the time limits set forth in this
24 Section.

25 (b) Beginning January 1, 1988:

26 (1) (A) When a petition has been filed alleging that the

1 minor is an addict under this Article, an adjudicatory hearing
2 shall be held within 120 days of a demand made by any party,
3 except that when the court determines that the State, without
4 success, has exercised due diligence to obtain evidence
5 material to the case and that there are reasonable grounds to
6 believe that such evidence may be obtained at a later date, the
7 court may, upon motion by the State, continue the adjudicatory
8 hearing for not more than 30 additional days.

9 The 120 day period in which an adjudicatory hearing shall
10 be held is tolled by: (i) delay occasioned by the minor; or
11 (ii) a continuance allowed pursuant to Section 114-4 of the
12 Code of Criminal Procedure of 1963 after a court's
13 determination of the minor's physical incapacity for trial; or
14 (iii) an interlocutory appeal. Any such delay shall temporarily
15 suspend for the time of the delay the period within which the
16 adjudicatory hearing must be held. On the day of expiration of
17 the delay, the said period shall continue at the point at which
18 it was suspended.

19 (B) When no such adjudicatory hearing is held within the
20 time required by paragraph (b) (1) (A) of this Section, the court
21 shall, upon motion by any party, dismiss the petition with
22 prejudice.

23 (2) Without affecting the applicability of the tolling and
24 multiple prosecution provisions of paragraph (b) (1) of this
25 Section, when a petition has been filed alleging that the minor
26 is an addict under this Article and the minor is in shelter

1 care, the adjudicatory hearing shall be held within 10 judicial
2 days after the date of the order directing shelter care, or the
3 earliest possible date in compliance with the notice provisions
4 of Sections 4-14 and 4-15 as to the custodial parent, guardian
5 or legal custodian, but no later than 30 judicial days from the
6 date of the order of the court directing shelter care.

7 (3) Any failure to comply with the time limits of paragraph
8 (b) (2) of this Section shall require the immediate release of
9 the minor from shelter care, and the time limits of paragraph
10 (b) (1) shall apply.

11 (4) Nothing in this Section prevents the minor or the
12 minor's parents or guardian from exercising their respective
13 rights to waive the time limits set forth in this Section.

14 (Source: P.A. 85-601.)

15 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

16 Sec. 4-14. Summons. (1) When a petition is filed, the clerk
17 of the court shall issue a summons with a copy of the petition
18 attached. The summons shall be directed to the minor's legal
19 guardian or custodian and to each person named as a respondent
20 in the petition, except that summons need not be directed to a
21 minor respondent under 8 years of age for whom the court
22 appoints a guardian ad litem or child representative if the
23 guardian ad litem or child representative appears on behalf of
24 the minor in any proceeding under this Act.

25 (2) The summons must contain a statement that the minor or

1 any of the respondents is entitled to have an attorney present
2 at the hearing on the petition, and that the clerk of the court
3 should be notified promptly if the minor or any other
4 respondent desires to be represented by an attorney but is
5 financially unable to employ counsel.

6 (3) The summons shall be issued under the seal of the
7 court, attested to and signed with the name of the clerk of the
8 court, dated on the day it is issued, and shall require each
9 respondent to appear and answer the petition on the date set
10 for the adjudicatory hearing.

11 (4) The summons may be served by any county sheriff,
12 coroner or probation officer, even though the officer is the
13 petitioner. The return of the summons with endorsement of
14 service by the officer is sufficient proof thereof.

15 (5) Service of a summons and petition shall be made by: (a)
16 leaving a copy thereof with the person summoned at least 3 days
17 before the time stated therein for appearance; (b) leaving a
18 copy at his usual place of abode with some person of the
19 family, of the age of 10 years or upwards, and informing that
20 person of the contents thereof, provided that the officer or
21 other person making service shall also send a copy of the
22 summons in a sealed envelope with postage fully prepaid,
23 addressed to the person summoned at his usual place of abode,
24 at least 3 days before the time stated therein for appearance;
25 or (c) leaving a copy thereof with the guardian or custodian of
26 a minor, at least 3 days before the time stated therein for

1 appearance. If the guardian or custodian is an agency of the
2 State of Illinois, proper service may be made by leaving a copy
3 of the summons and petition with any administrative employee of
4 such agency designated by such agency to accept service of
5 summons and petitions. The certificate of the officer or
6 affidavit of the person that he has sent the copy pursuant to
7 this Section is sufficient proof of service.

8 (6) When a parent or other person, who has signed a written
9 promise to appear and bring the minor to court or who has
10 waived or acknowledged service, fails to appear with the minor
11 on the date set by the court, a bench warrant may be issued for
12 the parent or other person, the minor, or both.

13 (7) The appearance of the minor's legal guardian or
14 custodian, or a person named as a respondent in a petition, in
15 any proceeding under this Act shall constitute a waiver of
16 service of summons and submission to the jurisdiction of the
17 court. A copy of the summons and petition shall be provided to
18 the person at the time of his appearance.

19 (Source: P.A. 86-441.)

20 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

21 Sec. 4-16. Guardian ad litem and child representative.

22 (1) Immediately upon the filing of a petition alleging that
23 the minor is a person described in Section 4-3 of this Act, the
24 court may appoint a guardian ad litem or child representative
25 for the minor if:

1 (a) such petition alleges that the minor is the victim
2 of sexual abuse or misconduct; or

3 (b) such petition alleges that charges alleging the
4 commission of any of the sex offenses defined in Article 11
5 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
6 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, have
8 been filed against a defendant in any court and that such
9 minor is the alleged victim of the acts of the defendant in
10 the commission of such offense.

11 Unless the guardian ad litem or child representative
12 appointed pursuant to this paragraph (1) is an attorney at law
13 he shall be represented in the performance of his duties by
14 counsel.

15 (2) Before proceeding with the hearing, the court shall
16 appoint a guardian ad litem or child representative for the
17 minor if

18 (a) no parent, guardian, custodian or relative of the
19 minor appears at the first or any subsequent hearing of the
20 case;

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

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

26 (3) The court may appoint a guardian ad litem or child

1 representative for the minor whenever it finds that there may
2 be a conflict of interest between the minor and his parents or
3 other custodian or that it is otherwise in the minor's interest
4 to do so.

5 (4) Unless the guardian ad litem or child representative is
6 an attorney, he shall be represented by counsel.

7 (5) The reasonable fees of a guardian ad litem or child
8 representative appointed under this Section shall be fixed by
9 the court and charged to the parents of the minor, to the
10 extent they are able to pay. If the parents are unable to pay
11 those fees, they shall be paid from the general fund of the
12 county.

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

14 (705 ILCS 405/5-525)

15 Sec. 5-525. Service.

16 (1) Service by summons.

17 (a) Upon the commencement of a delinquency
18 prosecution, the clerk of the court shall issue a summons
19 with a copy of the petition attached. The summons shall be
20 directed to the minor's parent, guardian or legal custodian
21 and to each person named as a respondent in the petition,
22 except that summons need not be directed (i) to a minor
23 respondent under 8 years of age for whom the court appoints
24 a guardian ad litem or child representative if the guardian
25 ad litem or child representative appears on behalf of the

1 minor in any proceeding under this Act, or (ii) to a parent
2 who does not reside with the minor, does not make regular
3 child support payments to the minor, to the minor's other
4 parent, or to the minor's legal guardian or custodian
5 pursuant to a support order, and has not communicated with
6 the minor on a regular basis.

7 (b) The summons must contain a statement that the minor
8 is entitled to have an attorney present at the hearing on
9 the petition, and that the clerk of the court should be
10 notified promptly if the minor desires to be represented by
11 an attorney but is financially unable to employ counsel.

12 (c) The summons shall be issued under the seal of the
13 court, attested in and signed with the name of the clerk of
14 the court, dated on the day it is issued, and shall require
15 each respondent to appear and answer the petition on the
16 date set for the adjudicatory hearing.

17 (d) The summons may be served by any law enforcement
18 officer, coroner or probation officer, even though the
19 officer is the petitioner. The return of the summons with
20 endorsement of service by the officer is sufficient proof
21 of service.

22 (e) Service of a summons and petition shall be made by:
23 (i) leaving a copy of the summons and petition with the
24 person summoned at least 3 days before the time stated in
25 the summons for appearance; (ii) leaving a copy at his or
26 her usual place of abode with some person of the family, of

1 the age of 10 years or upwards, and informing that person
2 of the contents of the summons and petition, provided, the
3 officer or other person making service shall also send a
4 copy of the summons in a sealed envelope with postage fully
5 prepaid, addressed to the person summoned at his or her
6 usual place of abode, at least 3 days before the time
7 stated in the summons for appearance; or (iii) leaving a
8 copy of the summons and petition with the guardian or
9 custodian of a minor, at least 3 days before the time
10 stated in the summons for appearance. If the guardian or
11 legal custodian is an agency of the State of Illinois,
12 proper service may be made by leaving a copy of the summons
13 and petition with any administrative employee of the agency
14 designated by the agency to accept the service of summons
15 and petitions. The certificate of the officer or affidavit
16 of the person that he or she has sent the copy pursuant to
17 this Section is sufficient proof of service.

18 (f) When a parent or other person, who has signed a
19 written promise to appear and bring the minor to court or
20 who has waived or acknowledged service, fails to appear
21 with the minor on the date set by the court, a bench
22 warrant may be issued for the parent or other person, the
23 minor, or both.

24 (2) Service by certified mail or publication.

25 (a) If service on individuals as provided in subsection
26 (1) is not made on any respondent within a reasonable time

1 or if it appears that any respondent resides outside the
2 State, service may be made by certified mail. In that case
3 the clerk shall mail the summons and a copy of the petition
4 to that respondent by certified mail marked for delivery to
5 addressee only. The court shall not proceed with the
6 adjudicatory hearing until 5 days after the mailing. The
7 regular return receipt for certified mail is sufficient
8 proof of service.

9 (b) If service upon individuals as provided in
10 subsection (1) is not made on any respondents within a
11 reasonable time or if any person is made a respondent under
12 the designation of "All Whom It May Concern", or if service
13 cannot be made because the whereabouts of a respondent are
14 unknown, service may be made by publication. The clerk of
15 the court as soon as possible shall cause publication to be
16 made once in a newspaper of general circulation in the
17 county where the action is pending. Service by publication
18 is not required in any case when the person alleged to have
19 legal custody of the minor has been served with summons
20 personally or by certified mail, but the court may not
21 enter any order or judgment against any person who cannot
22 be served with process other than by publication unless
23 service by publication is given or unless that person
24 appears. Failure to provide service by publication to a
25 non-custodial parent whose whereabouts are unknown shall
26 not deprive the court of jurisdiction to proceed with a

1 trial or a plea of delinquency by the minor. When a minor
 2 has been detained or sheltered under Section 5-501 of this
 3 Act and summons has not been served personally or by
 4 certified mail within 20 days from the date of the order of
 5 court directing such detention or shelter care, the clerk
 6 of the court shall cause publication. Service by
 7 publication shall be substantially as follows:

8 "A, B, C, D, (here giving the names of the named
 9 respondents, if any) and to All Whom It May Concern (if
 10 there is any respondent under that designation):

11 Take notice that on (insert date) a petition was
 12 filed under the Juvenile Court Act of 1987 by in
 13 the circuit court of county entitled 'In the
 14 interest of, a minor', and that in courtroom
 15 at on (insert date) at the hour of, or as
 16 soon thereafter as this cause may be heard, an
 17 adjudicatory hearing will be held upon the petition to
 18 have the child declared to be a ward of the court under
 19 that Act. The court has authority in this proceeding to
 20 take from you the custody and guardianship of the
 21 minor.

22 Now, unless you appear at the hearing and show
 23 cause against the petition, the allegations of the
 24 petition may stand admitted as against you and each of
 25 you, and an order or judgment entered.

26

1 Clerk

2 Dated (insert the date of publication)"

3 (c) The clerk shall also at the time of the publication
4 of the notice send a copy of the notice by mail to each of
5 the respondents on account of whom publication is made at
6 his or her last known address. The certificate of the clerk
7 that he or she has mailed the notice is evidence of that
8 mailing. No other publication notice is required. Every
9 respondent notified by publication under this Section must
10 appear and answer in open court at the hearing. The court
11 may not proceed with the adjudicatory hearing until 10 days
12 after service by publication on any custodial parent,
13 guardian or legal custodian of a minor alleged to be
14 delinquent.

15 (d) If it becomes necessary to change the date set for
16 the hearing in order to comply with this Section, notice of
17 the resetting of the date must be given, by certified mail
18 or other reasonable means, to each respondent who has been
19 served with summons personally or by certified mail.

20 (3) Once jurisdiction has been established over a
21 party, further service is not required and notice of any
22 subsequent proceedings in that prosecution shall be made in
23 accordance with provisions of Section 5-530.

24 (4) The appearance of the minor's parent, guardian or
25 legal custodian, or a person named as a respondent in a
26 petition, in any proceeding under this Act shall constitute

1 a waiver of service and submission to the jurisdiction of
2 the court. A copy of the petition shall be provided to the
3 person at the time of his or her appearance.

4 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

5 (705 ILCS 405/5-610)

6 Sec. 5-610. Guardian ad litem and child representative and
7 appointment of attorney.

8 (1) The court may appoint a guardian ad litem or child
9 representative for the minor whenever it finds that there may
10 be a conflict of interest between the minor and his or her
11 parent, guardian or legal custodian or that it is otherwise in
12 the minor's interest to do so.

13 (2) Unless the guardian ad litem or child representative is
14 an attorney, he or she shall be represented by counsel.

15 (3) The reasonable fees of a guardian ad litem or child
16 representative appointed under this Section shall be fixed by
17 the court and charged to the parents of the minor, to the
18 extent they are able to pay. If the parents are unable to pay
19 those fees, they shall be paid from the general fund of the
20 county.

21 (4) If, during the court proceedings, the parents,
22 guardian, or legal custodian prove that he or she has an actual
23 conflict of interest with the minor in that delinquency
24 proceeding and that the parents, guardian, or legal custodian
25 are indigent, the court shall appoint a separate attorney for

1 that parent, guardian, or legal custodian.

2 (5) A guardian ad litem or child representative appointed
3 under this Section for a minor who is in the custody or
4 guardianship of the Department of Children and Family Services
5 or who has an open intact family services case with the
6 Department of Children and Family Services is entitled to
7 receive copies of any and all classified reports of child abuse
8 or neglect made pursuant to the Abused and Neglected Child
9 Reporting Act in which the minor, who is the subject of the
10 report under the Abused and Neglected Child Reporting Act, is
11 also a minor for whom the guardian ad litem or child
12 representative is appointed under this Act. The Department of
13 Children and Family Services' obligation under this subsection
14 to provide reports to a guardian ad litem or child
15 representative for a minor with an open intact family services
16 case applies only if the guardian ad litem or child
17 representative notified the Department in writing of the
18 representation.

19 (Source: P.A. 100-158, eff. 1-1-18.)

20 (705 ILCS 405/5-745)

21 Sec. 5-745. Court review.

22 (1) The court may require any legal custodian or guardian
23 of the person appointed under this Act, including the
24 Department of Juvenile Justice for youth committed under
25 Section 5-750 of this Act, to report periodically to the court

1 or may cite him or her into court and require him or her, or his
2 or her agency, to make a full and accurate report of his or her
3 or its doings in behalf of the minor, including efforts to
4 secure post-release placement of the youth after release from
5 the Department's facilities. The legal custodian or guardian,
6 within 10 days after the citation, shall make the report,
7 either in writing verified by affidavit or orally under oath in
8 open court, or otherwise as the court directs. Upon the hearing
9 of the report the court may remove the legal custodian or
10 guardian and appoint another in his or her stead or restore the
11 minor to the custody of his or her parents or former guardian
12 or legal custodian.

13 (2) If the Department of Children and Family Services is
14 appointed legal custodian or guardian of a minor under Section
15 5-740 of this Act, the Department of Children and Family
16 Services shall file updated case plans with the court every 6
17 months. Every agency which has guardianship of a child shall
18 file a supplemental petition for court review, or review by an
19 administrative body appointed or approved by the court and
20 further order within 18 months of the sentencing order and each
21 18 months thereafter. The petition shall state facts relative
22 to the child's present condition of physical, mental and
23 emotional health as well as facts relative to his or her
24 present custodial or foster care. The petition shall be set for
25 hearing and the clerk shall mail 10 days notice of the hearing
26 by certified mail, return receipt requested, to the person or

1 agency having the physical custody of the child, the minor and
2 other interested parties unless a written waiver of notice is
3 filed with the petition.

4 If the minor is in the custody of the Illinois Department
5 of Children and Family Services, pursuant to an order entered
6 under this Article, the court shall conduct permanency hearings
7 as set out in subsections (1), (2), and (3) of Section 2-28 of
8 Article II of this Act.

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

12 (3) The minor or any person interested in the minor may
13 apply to the court for a change in custody of the minor and the
14 appointment of a new custodian or guardian of the person or for
15 the restoration of the minor to the custody of his or her
16 parents or former guardian or custodian. In the event that the
17 minor has attained 18 years of age and the guardian or
18 custodian petitions the court for an order terminating his or
19 her guardianship or custody, guardianship or legal custody
20 shall terminate automatically 30 days after the receipt of the
21 petition unless the court orders otherwise. No legal custodian
22 or guardian of the person may be removed without his or her
23 consent until given notice and an opportunity to be heard by
24 the court.

25 (4) If the minor is committed to the Department of Juvenile
26 Justice under Section 5-750 of this Act, the Department shall

1 notify the court in writing of the occurrence of any of the
2 following:

3 (a) a critical incident involving a youth committed to
4 the Department; as used in this paragraph (a), "critical
5 incident" means any incident that involves a serious risk
6 to the life, health, or well-being of the youth and
7 includes, but is not limited to, an accident or suicide
8 attempt resulting in serious bodily harm or
9 hospitalization, psychiatric hospitalization, alleged or
10 suspected abuse, or escape or attempted escape from
11 custody, filed within 10 days of the occurrence;

12 (b) a youth who has been released by the Prisoner
13 Review Board but remains in a Department facility solely
14 because the youth does not have an approved aftercare
15 release host site, filed within 10 days of the occurrence;

16 (c) a youth, except a youth who has been adjudicated a
17 habitual or violent juvenile offender under Section 5-815
18 or 5-820 of this Act or committed for first degree murder,
19 who has been held in a Department facility for over one
20 consecutive year; or

21 (d) if a report has been filed under paragraph (c) of
22 this subsection, a supplemental report shall be filed every
23 6 months thereafter.

24 The notification required by this subsection (4) shall contain
25 a brief description of the incident or situation and a summary
26 of the youth's current physical, mental, and emotional health

1 and the actions the Department took in response to the incident
2 or to identify an aftercare release host site, as applicable.
3 Upon receipt of the notification, the court may require the
4 Department to make a full report under subsection (1) of this
5 Section.

6 (5) With respect to any report required to be filed with
7 the court under this Section, the Independent Juvenile
8 Ombudsman shall provide a copy to the minor's court appointed
9 guardian ad litem or child representative, if the Department
10 has received written notice of the appointment, and to the
11 minor's attorney, if the Department has received written notice
12 of representation from the attorney. If the Department has a
13 record that a guardian has been appointed for the minor and a
14 record of the last known address of the minor's court appointed
15 guardian, the Independent Juvenile Ombudsman shall send a
16 notice to the guardian that the report is available and will be
17 provided by the Independent Juvenile Ombudsman upon request. If
18 the Department has no record regarding the appointment of a
19 guardian for the minor, and the Department's records include
20 the last known addresses of the minor's parents, the
21 Independent Juvenile Ombudsman shall send a notice to the
22 parents that the report is available and will be provided by
23 the Independent Juvenile Ombudsman upon request.

24 (Source: P.A. 99-628, eff. 1-1-17; 99-664, eff. 1-1-17;
25 100-201, eff. 8-18-17.)