



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1116

Introduced 2/5/2019, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5	from Ch. 23, par. 5005
705 ILCS 405/2-3	from Ch. 37, par. 802-3
705 ILCS 405/2-4	from Ch. 37, par. 802-4
705 ILCS 405/2-23	from Ch. 37, par. 802-23

Amends the Juvenile Court Act of 1987. Provides that a minor is subject to the Act if the court has made a finding of probable cause to believe that the minor is abused, neglected, or dependent under the Act prior to the minor's 18th birthday (rather than any minor under 18 years of age). Makes conforming changes. Effective immediately.

LRB101 08503 SLF 53580 b

1 AN ACT concerning minors.

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

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

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

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

11 (a) For purposes of this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (G) (blank);

17 (H) (blank); and

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

- 1 (i) who are in a foster home, or
2 (ii) who are persons with a developmental
3 disability, as defined in the Mental Health and
4 Developmental Disabilities Code, or
5 (iii) who are female children who are
6 pregnant, pregnant and parenting or parenting, or
7 (iv) who are siblings, in facilities that
8 provide separate living quarters for children 18
9 years of age and older and for children under 18
10 years of age.

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

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

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

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

11 (e) (Blank).

12 (f) (Blank).

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

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

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

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

3 (10) interstate services.

4 Rules and regulations established by the Department shall
5 include provisions for training Department staff and the staff
6 of Department grantees, through contracts with other agencies
7 or resources, in screening techniques to identify substance use
8 disorders, as defined in the Substance Use Disorder Act,
9 approved by the Department of Human Services, as a successor to
10 the Department of Alcoholism and Substance Abuse, for the
11 purpose of identifying children and adults who should be
12 referred for an assessment at an organization appropriately
13 licensed by the Department of Human Services for substance use
14 disorder treatment.

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

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

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

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

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

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

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

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

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

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

26 (j-5) The Department shall not deny or delay the placement

1 of a child for adoption if an approved family is available
2 either outside of the Department region handling the case, or
3 outside of the State of Illinois.

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

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

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

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

1 services shall be voluntary. The Department may also provide
2 services to any child or family after completion of a family
3 assessment, as an alternative to an investigation, as provided
4 under the "differential response program" provided for in
5 subsection (a-5) of Section 7.4 of the Abused and Neglected
6 Child Reporting Act.

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

1 2017, a minor charged with a criminal offense under the
2 Criminal Code of 1961 or the Criminal Code of 2012 or
3 adjudicated delinquent shall not be placed in the custody of or
4 committed to the Department by any court, except (i) a minor
5 less than 15 years of age committed to the Department under
6 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
7 for whom an independent basis of abuse, neglect, or dependency
8 exists, which must be defined by departmental rule, or (iii) a
9 minor for whom the court has granted a supplemental petition to
10 reinstate wardship pursuant to subsection (2) of Section 2-33
11 of the Juvenile Court Act of 1987. An independent basis exists
12 when the allegations or adjudication of abuse, neglect, or
13 dependency do not arise from the same facts, incident, or
14 circumstances which give rise to a charge or adjudication of
15 delinquency. The Department shall assign a caseworker to attend
16 any hearing involving a youth in the care and custody of the
17 Department who is placed on aftercare release, including
18 hearings involving sanctions for violation of aftercare
19 release conditions and aftercare release revocation hearings.

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

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

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

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

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

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

25 A decision to place a child in substitute care shall be
26 made with considerations of the child's health, safety, and

1 best interests. At the time of placement, consideration should
2 also be given so that if reunification fails or is delayed, the
3 placement made is the best available placement to provide
4 permanency for the child.

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

9 (1) the likelihood of prompt reunification;

10 (2) the past history of the family;

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

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

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

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

18 (7) the age of the child;

19 (8) placement of siblings.

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

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

1 (2) the child is found in the State and neither a
2 parent, guardian nor custodian of the child can be located.
3 If the child is found in his or her residence without a parent,
4 guardian, custodian or responsible caretaker, the Department
5 may, instead of removing the child and assuming temporary
6 custody, place an authorized representative of the Department
7 in that residence until such time as a parent, guardian or
8 custodian enters the home and expresses a willingness and
9 apparent ability to ensure the child's health and safety and
10 resume permanent charge of the child, or until a relative
11 enters the home and is willing and able to ensure the child's
12 health and safety and assume charge of the child until a
13 parent, guardian or custodian enters the home and expresses
14 such willingness and ability to ensure the child's safety and
15 resume permanent charge. After a caretaker has remained in the
16 home for a period not to exceed 12 hours, the Department must
17 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
18 5-415 of the Juvenile Court Act of 1987.

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

1 and before the child is brought before a judicial officer as
2 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
3 Court Act of 1987, shall have the authority, responsibilities
4 and duties that a legal custodian of the child would have under
5 subsection (9) of Section 1-3 of the Juvenile Court Act of
6 1987.

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

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

26 (m-1) The Department may place children under 18 years of

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

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

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

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

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

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

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

13 (p) (Blank).

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

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

1 payments, Black Lung benefits, or other miscellaneous
2 payments. Interest earned by each account shall be credited to
3 the account, unless disbursed in accordance with this
4 subsection.

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

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

15 (2) Calculate on a monthly basis the amounts paid from
16 State funds for the child's board and care, medical care
17 not covered under Medicaid, and social services; and
18 utilize funds from the child's account, as covered by
19 regulation, to reimburse those costs. Monthly,
20 disbursements from all children's accounts, up to 1/12 of
21 \$13,000,000, shall be deposited by the Department into the
22 General Revenue Fund and the balance over 1/12 of
23 \$13,000,000 into the DCFS Children's Services Fund.

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

1 State and federal laws and shall be disbursed to the child
2 or his or her guardian, or to the issuing agency.

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

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

1 secondary to the foster parent liability insurance policy, if
2 applicable. The program shall be funded through appropriations
3 from the General Revenue Fund, specifically designated for such
4 purposes.

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

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

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

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

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

1 Department shall provide to the prospective adoptive parent or
2 parents or other caretaker:

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

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

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

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

1 placement, casework staff shall at least provide known
2 information verbally, if necessary, and must subsequently
3 provide the information in writing as required by this
4 subsection.

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

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

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

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

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

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

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

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

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

1 proper State's Attorney, or the Attorney General.

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

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

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

4 For purposes of this subsection:

5 "Background information" means all of the following:

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

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

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

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

26 "Department applicant" means an individual who has

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

9 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;
10 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; 100-759, eff.
11 1-1-19; 100-863, eff. 8-14-18; 100-978, eff. 8-19-18; revised
12 10-3-18.)

13 Section 10. The Juvenile Court Act of 1987 is amended by
14 changing Sections 2-3, 2-4, and 2-23 as follows:

15 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

16 Sec. 2-3. Neglected or abused minor.

17 (1) Those who are neglected include:

18 (a) any minor for whom the court has made a finding of
19 probable cause to believe that the minor is abused,
20 neglected, or dependent under subsection (1) of Section
21 2-10 prior to the minor's 18th birthday ~~under 18 years of~~
22 ~~age~~ who is not receiving the proper or necessary support,
23 education as required by law, or medical or other remedial
24 care recognized under State law as necessary for a minor's

1 well-being, or other care necessary for his or her
2 well-being, including adequate food, clothing and shelter,
3 or who is abandoned by his or her parent or parents or
4 other person or persons responsible for the minor's
5 welfare, except that a minor shall not be considered
6 neglected for the sole reason that the minor's parent or
7 parents or other person or persons responsible for the
8 minor's welfare have left the minor in the care of an adult
9 relative for any period of time, who the parent or parents
10 or other person responsible for the minor's welfare know is
11 both a mentally capable adult relative and physically
12 capable adult relative, as defined by this Act; or

13 (b) any minor for whom the court has made a finding of
14 probable cause to believe that the minor is abused,
15 neglected, or dependent under subsection (1) of Section
16 2-10 prior to the minor's 18th birthday ~~under 18 years of~~
17 ~~age~~ whose environment is injurious to his or her welfare;
18 or

19 (c) any newborn infant whose blood, urine, or meconium
20 contains any amount of a controlled substance as defined in
21 subsection (f) of Section 102 of the Illinois Controlled
22 Substances Act, as now or hereafter amended, or a
23 metabolite of a controlled substance, with the exception of
24 controlled substances or metabolites of such substances,
25 the presence of which in the newborn infant is the result
26 of medical treatment administered to the mother or the

1 newborn infant; or

2 (d) any minor under the age of 14 years whose parent or
3 other person responsible for the minor's welfare leaves the
4 minor without supervision for an unreasonable period of
5 time without regard for the mental or physical health,
6 safety, or welfare of that minor; or

7 (e) any minor who has been provided with interim crisis
8 intervention services under Section 3-5 of this Act and
9 whose parent, guardian, or custodian refuses to permit the
10 minor to return home unless the minor is an immediate
11 physical danger to himself, herself, or others living in
12 the home.

13 Whether the minor was left without regard for the mental or
14 physical health, safety, or welfare of that minor or the period
15 of time was unreasonable shall be determined by considering the
16 following factors, including but not limited to:

17 (1) the age of the minor;

18 (2) the number of minors left at the location;

19 (3) special needs of the minor, including whether the
20 minor is a person with a physical or mental disability, or
21 otherwise in need of ongoing prescribed medical treatment
22 such as periodic doses of insulin or other medications;

23 (4) the duration of time in which the minor was left
24 without supervision;

25 (5) the condition and location of the place where the
26 minor was left without supervision;

1 (6) the time of day or night when the minor was left
2 without supervision;

3 (7) the weather conditions, including whether the
4 minor was left in a location with adequate protection from
5 the natural elements such as adequate heat or light;

6 (8) the location of the parent or guardian at the time
7 the minor was left without supervision, the physical
8 distance the minor was from the parent or guardian at the
9 time the minor was without supervision;

10 (9) whether the minor's movement was restricted, or the
11 minor was otherwise locked within a room or other
12 structure;

13 (10) whether the minor was given a phone number of a
14 person or location to call in the event of an emergency and
15 whether the minor was capable of making an emergency call;

16 (11) whether there was food and other provision left
17 for the minor;

18 (12) whether any of the conduct is attributable to
19 economic hardship or illness and the parent, guardian or
20 other person having physical custody or control of the
21 child made a good faith effort to provide for the health
22 and safety of the minor;

23 (13) the age and physical and mental capabilities of
24 the person or persons who provided supervision for the
25 minor;

26 (14) whether the minor was left under the supervision

1 of another person;

2 (15) any other factor that would endanger the health
3 and safety of that particular minor.

4 A minor shall not be considered neglected for the sole
5 reason that the minor has been relinquished in accordance with
6 the Abandoned Newborn Infant Protection Act.

7 (2) Those who are abused include any minor for whom the
8 court has made a finding of probable cause to believe that the
9 minor is abused, neglected, or dependent under subsection (1)
10 of Section 2-10 prior to the minor's 18th birthday ~~under 18~~
11 ~~years of age~~ whose parent or immediate family member, or any
12 person responsible for the minor's welfare, or any person who
13 is in the same family or household as the minor, or any
14 individual residing in the same home as the minor, or a
15 paramour of the minor's parent:

16 (i) inflicts, causes to be inflicted, or allows to be
17 inflicted upon such minor physical injury, by other than
18 accidental means, which causes death, disfigurement,
19 impairment of physical or emotional health, or loss or
20 impairment of any bodily function;

21 (ii) creates a substantial risk of physical injury to
22 such minor by other than accidental means which would be
23 likely to cause death, disfigurement, impairment of
24 emotional health, or loss or impairment of any bodily
25 function;

26 (iii) commits or allows to be committed any sex offense

1 against such minor, as such sex offenses are defined in the
2 Criminal Code of 1961 or the Criminal Code of 2012, or in
3 the Wrongs to Children Act, and extending those definitions
4 of sex offenses to include minors under 18 years of age;

5 (iv) commits or allows to be committed an act or acts
6 of torture upon such minor;

7 (v) inflicts excessive corporal punishment;

8 (vi) commits or allows to be committed the offense of
9 involuntary servitude, involuntary sexual servitude of a
10 minor, or trafficking in persons as defined in Section 10-9
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 upon such minor; or

13 (vii) allows, encourages or requires a minor to commit
14 any act of prostitution, as defined in the Criminal Code of
15 1961 or the Criminal Code of 2012, and extending those
16 definitions to include minors under 18 years of age.

17 A minor shall not be considered abused for the sole reason
18 that the minor has been relinquished in accordance with the
19 Abandoned Newborn Infant Protection Act.

20 (3) This Section does not apply to a minor who would be
21 included herein solely for the purpose of qualifying for
22 financial assistance for himself, his parents, guardian or
23 custodian.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 (705 ILCS 405/2-4) (from Ch. 37, par. 802-4)

1 Sec. 2-4. Dependent minor.

2 (1) Those who are dependent include any minor for whom the
3 court has made a finding of probable cause to believe that the
4 minor is abused, neglected, or dependent under subsection (1)
5 of Section 2-10 prior to the minor's 18th birthday ~~under 18~~
6 years of age:

7 (a) who is without a parent, guardian or legal
8 custodian;

9 (b) who is without proper care because of the physical
10 or mental disability of his parent, guardian or custodian;

11 (c) who is without proper medical or other remedial
12 care recognized under State law or other care necessary for
13 his or her well being through no fault, neglect or lack of
14 concern by his parents, guardian or custodian, provided
15 that no order may be made terminating parental rights, nor
16 may a minor be removed from the custody of his or her
17 parents for longer than 6 months, pursuant to an
18 adjudication as a dependent minor under this subdivision
19 (c), unless it is found to be in his or her best interest
20 by the court or the case automatically closes as provided
21 under Section 2-31 of this Act; or

22 (d) who has a parent, guardian or legal custodian who
23 with good cause wishes to be relieved of all residual
24 parental rights and responsibilities, guardianship or
25 custody, and who desires the appointment of a guardian of
26 the person with power to consent to the adoption of the

1 minor under Section 2-29.

2 (2) This Section does not apply to a minor who would be
3 included herein solely for the purpose of qualifying for
4 financial assistance for himself, his parent or parents,
5 guardian or custodian or to a minor solely because his or her
6 parent or parents or guardian has left the minor for any period
7 of time in the care of an adult relative, who the parent or
8 parents or guardian know is both a mentally capable adult
9 relative and physically capable adult relative, as defined by
10 this Act.

11 (Source: P.A. 96-168, eff. 8-10-09.)

12 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

16 (a) A minor ~~under 18 years of age~~ found to be neglected
17 or abused under Section 2-3 or dependent under Section 2-4
18 may be (1) continued in the custody of his or her parents,
19 guardian or legal custodian; (2) placed in accordance with
20 Section 2-27; (3) restored to the custody of the parent,
21 parents, guardian, or legal custodian, provided the court
22 shall order the parent, parents, guardian, or legal
23 custodian to cooperate with the Department of Children and
24 Family Services and comply with the terms of an after-care
25 plan or risk the loss of custody of the child and the

1 possible termination of their parental rights; or (4)
2 ordered partially or completely emancipated in accordance
3 with the provisions of the Emancipation of Minors Act.

4 However, in any case in which a minor is found by the
5 court to be neglected or abused under Section 2-3 of this
6 Act, custody of the minor shall not be restored to any
7 parent, guardian or legal custodian whose acts or omissions
8 or both have been identified, pursuant to subsection (1) of
9 Section 2-21, as forming the basis for the court's finding
10 of abuse or neglect, until such time as a hearing is held
11 on the issue of the best interests of the minor and the
12 fitness of such parent, guardian or legal custodian to care
13 for the minor without endangering the minor's health or
14 safety, and the court enters an order that such parent,
15 guardian or legal custodian is fit to care for the minor.

16 (b) A minor ~~under 18 years of age~~ found to be dependent
17 under Section 2-4 may be (1) placed in accordance with
18 Section 2-27 or (2) ordered partially or completely
19 emancipated in accordance with the provisions of the
20 Emancipation of Minors Act.

21 However, in any case in which a minor is found by the
22 court to be dependent under Section 2-4 of this Act,
23 custody of the minor shall not be restored to any parent,
24 guardian or legal custodian whose acts or omissions or both
25 have been identified, pursuant to subsection (1) of Section
26 2-21, as forming the basis for the court's finding of

1 dependency, until such time as a hearing is held on the
2 issue of the fitness of such parent, guardian or legal
3 custodian to care for the minor without endangering the
4 minor's health or safety, and the court enters an order
5 that such parent, guardian or legal custodian is fit to
6 care for the minor.

7 (b-1) A minor between the ages of 18 and 21 may be
8 placed pursuant to Section 2-27 of this Act if (1) the
9 court has granted a supplemental petition to reinstate
10 wardship of the minor pursuant to subsection (2) of Section
11 2-33, (2) the court has adjudicated the minor a ward of the
12 court, permitted the minor to return home under an order of
13 protection, and subsequently made a finding that it is in
14 the minor's best interest to vacate the order of protection
15 and commit the minor to the Department of Children and
16 Family Services for care and service, or (3) the court
17 returned the minor to the custody of the respondent under
18 Section 2-4b of this Act without terminating the
19 proceedings under Section 2-31 of this Act, and
20 subsequently made a finding that it is in the minor's best
21 interest to commit the minor to the Department of Children
22 and Family Services for care and services.

23 (c) When the court awards guardianship to the
24 Department of Children and Family Services, the court shall
25 order the parents to cooperate with the Department of
26 Children and Family Services, comply with the terms of the

1 service plans, and correct the conditions that require the
2 child to be in care, or risk termination of their parental
3 rights.

4 (2) Any order of disposition may provide for protective
5 supervision under Section 2-24 and may include an order of
6 protection under Section 2-25.

7 Unless the order of disposition expressly so provides, it
8 does not operate to close proceedings on the pending petition,
9 but is subject to modification, not inconsistent with Section
10 2-28, until final closing and discharge of the proceedings
11 under Section 2-31.

12 (3) The court also shall enter any other orders necessary
13 to fulfill the service plan, including, but not limited to, (i)
14 orders requiring parties to cooperate with services, (ii)
15 restraining orders controlling the conduct of any party likely
16 to frustrate the achievement of the goal, and (iii) visiting
17 orders. When the child is placed separately from a sibling, the
18 court shall review the Sibling Contact Support Plan developed
19 under subsection (f) of Section 7.4 of the Children and Family
20 Services Act, if applicable. If the Department has not convened
21 a meeting to develop a Sibling Contact Support Plan, or if the
22 court finds that the existing Plan is not in the child's best
23 interest, the court may enter an order requiring the Department
24 to develop and implement a Sibling Contact Support Plan under
25 subsection (f) of Section 7.4 of the Children and Family
26 Services Act or order mediation. Unless otherwise specifically

1 authorized by law, the court is not empowered under this
2 subsection (3) to order specific placements, specific
3 services, or specific service providers to be included in the
4 plan. If, after receiving evidence, the court determines that
5 the services contained in the plan are not reasonably
6 calculated to facilitate achievement of the permanency goal,
7 the court shall put in writing the factual basis supporting the
8 determination and enter specific findings based on the
9 evidence. The court also shall enter an order for the
10 Department to develop and implement a new service plan or to
11 implement changes to the current service plan consistent with
12 the court's findings. The new service plan shall be filed with
13 the court and served on all parties within 45 days after the
14 date of the order. The court shall continue the matter until
15 the new service plan is filed. Except as authorized by
16 subsection (3.5) of this Section or authorized by law, the
17 court is not empowered under this Section to order specific
18 placements, specific services, or specific service providers
19 to be included in the service plan.

20 (3.5) If, after reviewing the evidence, including evidence
21 from the Department, the court determines that the minor's
22 current or planned placement is not necessary or appropriate to
23 facilitate achievement of the permanency goal, the court shall
24 put in writing the factual basis supporting its determination
25 and enter specific findings based on the evidence. If the court
26 finds that the minor's current or planned placement is not

1 necessary or appropriate, the court may enter an order
2 directing the Department to implement a recommendation by the
3 minor's treating clinician or a clinician contracted by the
4 Department to evaluate the minor or a recommendation made by
5 the Department. If the Department places a minor in a placement
6 under an order entered under this subsection (3.5), the
7 Department has the authority to remove the minor from that
8 placement when a change in circumstances necessitates the
9 removal to protect the minor's health, safety, and best
10 interest. If the Department determines removal is necessary,
11 the Department shall notify the parties of the planned
12 placement change in writing no later than 10 days prior to the
13 implementation of its determination unless remaining in the
14 placement poses an imminent risk of harm to the minor, in which
15 case the Department shall notify the parties of the placement
16 change in writing immediately following the implementation of
17 its decision. The Department shall notify others of the
18 decision to change the minor's placement as required by
19 Department rule.

20 (4) In addition to any other order of disposition, the
21 court may order any minor adjudicated neglected with respect to
22 his or her own injurious behavior to make restitution, in
23 monetary or non-monetary form, under the terms and conditions
24 of Section 5-5-6 of the Unified Code of Corrections, except
25 that the "presentence hearing" referred to therein shall be the
26 dispositional hearing for purposes of this Section. The parent,

1 guardian or legal custodian of the minor may pay some or all of
2 such restitution on the minor's behalf.

3 (5) Any order for disposition where the minor is committed
4 or placed in accordance with Section 2-27 shall provide for the
5 parents or guardian of the estate of such minor to pay to the
6 legal custodian or guardian of the person of the minor such
7 sums as are determined by the custodian or guardian of the
8 person of the minor as necessary for the minor's needs. Such
9 payments may not exceed the maximum amounts provided for by
10 Section 9.1 of the Children and Family Services Act.

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

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

19 (Source: P.A. 100-45, eff. 8-11-17; 100-978, eff. 8-19-18.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.