

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, 2-23, 2-27, and 5-710 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 under 18 years of age or a minor 18 years
19 of age or older for whom the court has made a finding of
20 probable cause to believe that the minor is abused,
21 neglected, or dependent under subsection (1) of Section
22 2-10 prior to the minor's 18th birthday who is not
23 receiving the proper or necessary support, education as
24 required by law, or medical or other remedial care

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

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

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

1 of medical treatment administered to the mother or the
2 newborn infant; or

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

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

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

18 (1) the age of the minor;

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

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

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

26 (5) the condition and location of the place where the

1 minor was left without supervision;

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

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

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

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

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

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

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

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

1 (14) whether the minor was left under the supervision
2 of another person;

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

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

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

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

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

1 (iii) commits or allows to be committed any sex offense
2 against such minor, as such sex offenses are defined in the
3 Criminal Code of 1961 or the Criminal Code of 2012, or in
4 the Wrongs to Children Act, and extending those definitions
5 of sex offenses to include minors under 18 years of age;

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

8 (v) inflicts excessive corporal punishment;

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

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

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

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

25 (4) The changes made by this amendatory Act of the 101st
26 General Assembly apply to a case that is pending on or after

1 the effective date of this amendatory Act of the 101st General
2 Assembly.

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

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

5 Sec. 2-4. Dependent minor.

6 (1) Those who are dependent include any minor under 18
7 years of age or a minor 18 years of age or older 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:

11 (a) who is without a parent, guardian or legal
12 custodian;

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

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

1 (d) who has a parent, guardian or legal custodian who
2 with good cause wishes to be relieved of all residual
3 parental rights and responsibilities, guardianship or
4 custody, and who desires the appointment of a guardian of
5 the person with power to consent to the adoption of the
6 minor under Section 2-29.

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

16 (3) The changes made by this amendatory Act of the 101st
17 General Assembly apply to a case that is pending on or after
18 the effective date of this amendatory Act of the 101st General
19 Assembly.

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

21 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

25 (a) A minor ~~under 18 years of age~~ found to be neglected

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

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

25 (b) A minor ~~under 18 years of age~~ found to be dependent
26 under Section 2-4 may be (1) placed in accordance with

1 Section 2-27 or (2) ordered partially or completely
2 emancipated in accordance with the provisions of the
3 Emancipation of Minors Act.

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

16 (b-1) A minor between the ages of 18 and 21 may be
17 placed pursuant to Section 2-27 of this Act if (1) the
18 court has granted a supplemental petition to reinstate
19 wardship of the minor pursuant to subsection (2) of Section
20 2-33, (2) the court has adjudicated the minor a ward of the
21 court, permitted the minor to return home under an order of
22 protection, and subsequently made a finding that it is in
23 the minor's best interest to vacate the order of protection
24 and commit the minor to the Department of Children and
25 Family Services for care and service, or (3) the court
26 returned the minor to the custody of the respondent under

1 Section 2-4b of this Act without terminating the
2 proceedings under Section 2-31 of this Act, and
3 subsequently made a finding that it is in the minor's best
4 interest to commit the minor to the Department of Children
5 and Family Services for care and services.

6 (c) When the court awards guardianship to the
7 Department of Children and Family Services, the court shall
8 order the parents to cooperate with the Department of
9 Children and Family Services, comply with the terms of the
10 service plans, and correct the conditions that require the
11 child to be in care, or risk termination of their parental
12 rights.

13 (2) Any order of disposition may provide for protective
14 supervision under Section 2-24 and may include an order of
15 protection under Section 2-25.

16 Unless the order of disposition expressly so provides, it
17 does not operate to close proceedings on the pending petition,
18 but is subject to modification, not inconsistent with Section
19 2-28, until final closing and discharge of the proceedings
20 under Section 2-31.

21 (3) The court also shall enter any other orders necessary
22 to fulfill the service plan, including, but not limited to, (i)
23 orders requiring parties to cooperate with services, (ii)
24 restraining orders controlling the conduct of any party likely
25 to frustrate the achievement of the goal, and (iii) visiting
26 orders. When the child is placed separately from a sibling, the

1 court shall review the Sibling Contact Support Plan developed
2 under subsection (f) of Section 7.4 of the Children and Family
3 Services Act, if applicable. If the Department has not convened
4 a meeting to develop a Sibling Contact Support Plan, or if the
5 court finds that the existing Plan is not in the child's best
6 interest, the court may enter an order requiring the Department
7 to develop and implement a Sibling Contact Support Plan under
8 subsection (f) of Section 7.4 of the Children and Family
9 Services Act or order mediation. Unless otherwise specifically
10 authorized by law, the court is not empowered under this
11 subsection (3) to order specific placements, specific
12 services, or specific service providers to be included in the
13 plan. If, after receiving evidence, the court determines that
14 the services contained in the plan are not reasonably
15 calculated to facilitate achievement of the permanency goal,
16 the court shall put in writing the factual basis supporting the
17 determination and enter specific findings based on the
18 evidence. The court also shall enter an order for the
19 Department to develop and implement a new service plan or to
20 implement changes to the current service plan consistent with
21 the court's findings. The new service plan shall be filed with
22 the court and served on all parties within 45 days after the
23 date of the order. The court shall continue the matter until
24 the new service plan is filed. Except as authorized by
25 subsection (3.5) of this Section or authorized by law, the
26 court is not empowered under this Section to order specific

1 placements, specific services, or specific service providers
2 to be included in the service plan.

3 (3.5) If, after reviewing the evidence, including evidence
4 from the Department, the court determines that the minor's
5 current or planned placement is not necessary or appropriate to
6 facilitate achievement of the permanency goal, the court shall
7 put in writing the factual basis supporting its determination
8 and enter specific findings based on the evidence. If the court
9 finds that the minor's current or planned placement is not
10 necessary or appropriate, the court may enter an order
11 directing the Department to implement a recommendation by the
12 minor's treating clinician or a clinician contracted by the
13 Department to evaluate the minor or a recommendation made by
14 the Department. If the Department places a minor in a placement
15 under an order entered under this subsection (3.5), the
16 Department has the authority to remove the minor from that
17 placement when a change in circumstances necessitates the
18 removal to protect the minor's health, safety, and best
19 interest. If the Department determines removal is necessary,
20 the Department shall notify the parties of the planned
21 placement change in writing no later than 10 days prior to the
22 implementation of its determination unless remaining in the
23 placement poses an imminent risk of harm to the minor, in which
24 case the Department shall notify the parties of the placement
25 change in writing immediately following the implementation of
26 its decision. The Department shall notify others of the

1 decision to change the minor's placement as required by
2 Department rule.

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

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

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

25 (7) The court may terminate the parental rights of a parent
26 at the initial dispositional hearing if all of the conditions

1 in subsection (5) of Section 2-21 are met.

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

3 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

4 Sec. 2-27. Placement; legal custody or guardianship.

5 (1) If the court determines and puts in writing the factual
6 basis supporting the determination of whether the parents,
7 guardian, or legal custodian of a minor adjudged a ward of the
8 court are unfit or are unable, for some reason other than
9 financial circumstances alone, to care for, protect, train or
10 discipline the minor or are unwilling to do so, and that the
11 health, safety, and best interest of the minor will be
12 jeopardized if the minor remains in the custody of his or her
13 parents, guardian or custodian, the court may at this hearing
14 and at any later point:

15 (a) place the minor in the custody of a suitable
16 relative or other person as legal custodian or guardian;

17 (a-5) with the approval of the Department of Children
18 and Family Services, place the minor in the subsidized
19 guardianship of a suitable relative or other person as
20 legal guardian; "subsidized guardianship" means a private
21 guardianship arrangement for children for whom the
22 permanency goals of return home and adoption have been
23 ruled out and who meet the qualifications for subsidized
24 guardianship as defined by the Department of Children and
25 Family Services in administrative rules;

1 (b) place the minor under the guardianship of a
2 probation officer;

3 (c) commit the minor to an agency for care or
4 placement, except an institution under the authority of the
5 Department of Corrections or of the Department of Children
6 and Family Services;

7 (d) on and after the effective date of this amendatory
8 Act of the 98th General Assembly and before January 1,
9 2017, commit the minor to the Department of Children and
10 Family Services for care and service; however, a minor
11 charged with a criminal offense under the Criminal Code of
12 1961 or the Criminal Code of 2012 or adjudicated delinquent
13 shall not be placed in the custody of or committed to the
14 Department of Children and Family Services by any court,
15 except (i) a minor less than 16 years of age and committed
16 to the Department of Children and Family Services under
17 Section 5-710 of this Act, (ii) a minor under the age of 18
18 for whom an independent basis of abuse, neglect, or
19 dependency exists, or (iii) a minor for whom the court has
20 granted a supplemental petition to reinstate wardship
21 pursuant to subsection (2) of Section 2-33 of this Act. On
22 and after January 1, 2017, commit the minor to the
23 Department of Children and Family Services for care and
24 service; however, a minor charged with a criminal offense
25 under the Criminal Code of 1961 or the Criminal Code of
26 2012 or adjudicated delinquent shall not be placed in the

1 custody of or committed to the Department of Children and
2 Family Services by any court, except (i) a minor less than
3 15 years of age and committed to the Department of Children
4 and Family Services under Section 5-710 of this Act, (ii) a
5 minor under the age of 18 for whom an independent basis of
6 abuse, neglect, or dependency exists, or (iii) a minor for
7 whom the court has granted a supplemental petition to
8 reinstate wardship pursuant to subsection (2) of Section
9 2-33 of this Act. An independent basis exists when the
10 allegations or adjudication of abuse, neglect, or
11 dependency do not arise from the same facts, incident, or
12 circumstances which give rise to a charge or adjudication
13 of delinquency. The Department shall be given due notice of
14 the pendency of the action and the Guardianship
15 Administrator of the Department of Children and Family
16 Services shall be appointed guardian of the person of the
17 minor. Whenever the Department seeks to discharge a minor
18 from its care and service, the Guardianship Administrator
19 shall petition the court for an order terminating
20 guardianship. The Guardianship Administrator may designate
21 one or more other officers of the Department, appointed as
22 Department officers by administrative order of the
23 Department Director, authorized to affix the signature of
24 the Guardianship Administrator to documents affecting the
25 guardian-ward relationship of children for whom he or she
26 has been appointed guardian at such times as he or she is

1 unable to perform the duties of his or her office. The
2 signature authorization shall include but not be limited to
3 matters of consent of marriage, enlistment in the armed
4 forces, legal proceedings, adoption, major medical and
5 surgical treatment and application for driver's license.
6 Signature authorizations made pursuant to the provisions
7 of this paragraph shall be filed with the Secretary of
8 State and the Secretary of State shall provide upon payment
9 of the customary fee, certified copies of the authorization
10 to any court or individual who requests a copy.

11 (1.5) In making a determination under this Section, the
12 court shall also consider whether, based on health, safety, and
13 the best interests of the minor,

14 (a) appropriate services aimed at family preservation
15 and family reunification have been unsuccessful in
16 rectifying the conditions that have led to a finding of
17 unfitness or inability to care for, protect, train, or
18 discipline the minor, or

19 (b) no family preservation or family reunification
20 services would be appropriate,

21 and if the petition or amended petition contained an allegation
22 that the parent is an unfit person as defined in subdivision
23 (D) of Section 1 of the Adoption Act, and the order of
24 adjudication recites that parental unfitness was established
25 by clear and convincing evidence, the court shall, when
26 appropriate and in the best interest of the minor, enter an

1 order terminating parental rights and appointing a guardian
2 with power to consent to adoption in accordance with Section
3 2-29.

4 When making a placement, the court, wherever possible,
5 shall require the Department of Children and Family Services to
6 select a person holding the same religious belief as that of
7 the minor or a private agency controlled by persons of like
8 religious faith of the minor and shall require the Department
9 to otherwise comply with Section 7 of the Children and Family
10 Services Act in placing the child. In addition, whenever
11 alternative plans for placement are available, the court shall
12 ascertain and consider, to the extent appropriate in the
13 particular case, the views and preferences of the minor.

14 (2) When a minor is placed with a suitable relative or
15 other person pursuant to item (a) of subsection (1), the court
16 shall appoint him or her the legal custodian or guardian of the
17 person of the minor. When a minor is committed to any agency,
18 the court shall appoint the proper officer or representative
19 thereof as legal custodian or guardian of the person of the
20 minor. Legal custodians and guardians of the person of the
21 minor have the respective rights and duties set forth in
22 subsection (9) of Section 1-3 except as otherwise provided by
23 order of court; but no guardian of the person may consent to
24 adoption of the minor unless that authority is conferred upon
25 him or her in accordance with Section 2-29. An agency whose
26 representative is appointed guardian of the person or legal

1 custodian of the minor may place the minor in any child care
2 facility, but the facility must be licensed under the Child
3 Care Act of 1969 or have been approved by the Department of
4 Children and Family Services as meeting the standards
5 established for such licensing. No agency may place a minor
6 adjudicated under Sections 2-3 or 2-4 in a child care facility
7 unless the placement is in compliance with the rules and
8 regulations for placement under this Section promulgated by the
9 Department of Children and Family Services under Section 5 of
10 the Children and Family Services Act. Like authority and
11 restrictions shall be conferred by the court upon any probation
12 officer who has been appointed guardian of the person of a
13 minor.

14 (3) No placement by any probation officer or agency whose
15 representative is appointed guardian of the person or legal
16 custodian of a minor may be made in any out of State child care
17 facility unless it complies with the Interstate Compact on the
18 Placement of Children. Placement with a parent, however, is not
19 subject to that Interstate Compact.

20 (4) The clerk of the court shall issue to the legal
21 custodian or guardian of the person a certified copy of the
22 order of court, as proof of his authority. No other process is
23 necessary as authority for the keeping of the minor.

24 (5) Custody or guardianship granted under this Section
25 continues until the court otherwise directs, but not after the
26 minor reaches the age of 19 years except as set forth in

1 Section 2-31, or if the minor was previously committed to the
2 Department of Children and Family Services for care and service
3 and the court has granted a supplemental petition to reinstate
4 wardship pursuant to subsection (2) of Section 2-33.

5 (6) (Blank).

6 (Source: P.A. 97-1150, eff. 1-25-13; 98-803, eff. 1-1-15.)

7 (705 ILCS 405/5-710)

8 Sec. 5-710. Kinds of sentencing orders.

9 (1) The following kinds of sentencing orders may be made in
10 respect of wards of the court:

11 (a) Except as provided in Sections 5-805, 5-810, and
12 5-815, a minor who is found guilty under Section 5-620 may
13 be:

14 (i) put on probation or conditional discharge and
15 released to his or her parents, guardian or legal
16 custodian, provided, however, that any such minor who
17 is not committed to the Department of Juvenile Justice
18 under this subsection and who is found to be a
19 delinquent for an offense which is first degree murder,
20 a Class X felony, or a forcible felony shall be placed
21 on probation;

22 (ii) placed in accordance with Section 5-740, with
23 or without also being put on probation or conditional
24 discharge;

25 (iii) required to undergo a substance abuse

1 assessment conducted by a licensed provider and
2 participate in the indicated clinical level of care;

3 (iv) on and after the effective date of this
4 amendatory Act of the 98th General Assembly and before
5 January 1, 2017, placed in the guardianship of the
6 Department of Children and Family Services, but only if
7 the delinquent minor is under 16 years of age or,
8 pursuant to Article II of this Act, a minor under the
9 age of 18 for whom an independent basis of abuse,
10 neglect, or dependency exists. On and after January 1,
11 2017, placed in the guardianship of the Department of
12 Children and Family Services, but only if the
13 delinquent minor is under 15 years of age or, pursuant
14 to Article II of this Act, a minor for whom an
15 independent basis of abuse, neglect, or dependency
16 exists. An independent basis exists when the
17 allegations or adjudication of abuse, neglect, or
18 dependency do not arise from the same facts, incident,
19 or circumstances which give rise to a charge or
20 adjudication of delinquency;

21 (v) placed in detention for a period not to exceed
22 30 days, either as the exclusive order of disposition
23 or, where appropriate, in conjunction with any other
24 order of disposition issued under this paragraph,
25 provided that any such detention shall be in a juvenile
26 detention home and the minor so detained shall be 10

1 years of age or older. However, the 30-day limitation
2 may be extended by further order of the court for a
3 minor under age 15 committed to the Department of
4 Children and Family Services if the court finds that
5 the minor is a danger to himself or others. The minor
6 shall be given credit on the sentencing order of
7 detention for time spent in detention under Sections
8 5-501, 5-601, 5-710, or 5-720 of this Article as a
9 result of the offense for which the sentencing order
10 was imposed. The court may grant credit on a sentencing
11 order of detention entered under a violation of
12 probation or violation of conditional discharge under
13 Section 5-720 of this Article for time spent in
14 detention before the filing of the petition alleging
15 the violation. A minor shall not be deprived of credit
16 for time spent in detention before the filing of a
17 violation of probation or conditional discharge
18 alleging the same or related act or acts. The
19 limitation that the minor shall only be placed in a
20 juvenile detention home does not apply as follows:

21 Persons 18 years of age and older who have a
22 petition of delinquency filed against them may be
23 confined in an adult detention facility. In making a
24 determination whether to confine a person 18 years of
25 age or older who has a petition of delinquency filed
26 against the person, these factors, among other

1 matters, shall be considered:

2 (A) the age of the person;

3 (B) any previous delinquent or criminal
4 history of the person;

5 (C) any previous abuse or neglect history of
6 the person;

7 (D) any mental health history of the person;

8 and

9 (E) any educational history of the person;

10 (vi) ordered partially or completely emancipated
11 in accordance with the provisions of the Emancipation
12 of Minors Act;

13 (vii) subject to having his or her driver's license
14 or driving privileges suspended for such time as
15 determined by the court but only until he or she
16 attains 18 years of age;

17 (viii) put on probation or conditional discharge
18 and placed in detention under Section 3-6039 of the
19 Counties Code for a period not to exceed the period of
20 incarceration permitted by law for adults found guilty
21 of the same offense or offenses for which the minor was
22 adjudicated delinquent, and in any event no longer than
23 upon attainment of age 21; this subdivision (viii)
24 notwithstanding any contrary provision of the law;

25 (ix) ordered to undergo a medical or other
26 procedure to have a tattoo symbolizing allegiance to a

1 street gang removed from his or her body; or

2 (x) placed in electronic monitoring or home
3 detention under Part 7A of this Article.

4 (b) A minor found to be guilty may be committed to the
5 Department of Juvenile Justice under Section 5-750 if the
6 minor is at least 13 years and under 20 years of age,
7 provided that the commitment to the Department of Juvenile
8 Justice shall be made only if the minor was found guilty of
9 a felony offense or first degree murder. The court shall
10 include in the sentencing order any pre-custody credits the
11 minor is entitled to under Section 5-4.5-100 of the Unified
12 Code of Corrections. The time during which a minor is in
13 custody before being released upon the request of a parent,
14 guardian or legal custodian shall also be considered as
15 time spent in custody.

16 (c) When a minor is found to be guilty for an offense
17 which is a violation of the Illinois Controlled Substances
18 Act, the Cannabis Control Act, or the Methamphetamine
19 Control and Community Protection Act and made a ward of the
20 court, the court may enter a disposition order requiring
21 the minor to undergo assessment, counseling or treatment in
22 a substance use disorder treatment program approved by the
23 Department of Human Services.

24 (2) Any sentencing order other than commitment to the
25 Department of Juvenile Justice may provide for protective
26 supervision under Section 5-725 and may include an order of

1 protection under Section 5-730.

2 (3) Unless the sentencing order expressly so provides, it
3 does not operate to close proceedings on the pending petition,
4 but is subject to modification until final closing and
5 discharge of the proceedings under Section 5-750.

6 (4) In addition to any other sentence, the court may order
7 any minor found to be delinquent to make restitution, in
8 monetary or non-monetary form, under the terms and conditions
9 of Section 5-5-6 of the Unified Code of Corrections, except
10 that the "presentencing hearing" referred to in that Section
11 shall be the sentencing hearing for purposes of this Section.
12 The parent, guardian or legal custodian of the minor may be
13 ordered by the court to pay some or all of the restitution on
14 the minor's behalf, pursuant to the Parental Responsibility
15 Law. The State's Attorney is authorized to act on behalf of any
16 victim in seeking restitution in proceedings under this
17 Section, up to the maximum amount allowed in Section 5 of the
18 Parental Responsibility Law.

19 (5) Any sentencing order where the minor is committed or
20 placed in accordance with Section 5-740 shall provide for the
21 parents or guardian of the estate of the minor to pay to the
22 legal custodian or guardian of the person of the minor such
23 sums as are determined by the custodian or guardian of the
24 person of the minor as necessary for the minor's needs. The
25 payments may not exceed the maximum amounts provided for by
26 Section 9.1 of the Children and Family Services Act.

1 (6) Whenever the sentencing order requires the minor to
2 attend school or participate in a program of training, the
3 truant officer or designated school official shall regularly
4 report to the court if the minor is a chronic or habitual
5 truant under Section 26-2a of the School Code. Notwithstanding
6 any other provision of this Act, in instances in which
7 educational services are to be provided to a minor in a
8 residential facility where the minor has been placed by the
9 court, costs incurred in the provision of those educational
10 services must be allocated based on the requirements of the
11 School Code.

12 (7) In no event shall a guilty minor be committed to the
13 Department of Juvenile Justice for a period of time in excess
14 of that period for which an adult could be committed for the
15 same act. The court shall include in the sentencing order a
16 limitation on the period of confinement not to exceed the
17 maximum period of imprisonment the court could impose under
18 Article V of the Unified Code of Corrections.

19 (7.5) In no event shall a guilty minor be committed to the
20 Department of Juvenile Justice or placed in detention when the
21 act for which the minor was adjudicated delinquent would not be
22 illegal if committed by an adult.

23 (7.6) In no event shall a guilty minor be committed to the
24 Department of Juvenile Justice for an offense which is a Class
25 4 felony under Section 19-4 (criminal trespass to a residence),
26 21-1 (criminal damage to property), 21-1.01 (criminal damage to

1 government supported property), 21-1.3 (criminal defacement of
2 property), 26-1 (disorderly conduct), or 31-4 (obstructing
3 justice) of the Criminal Code of 2012.

4 (7.75) In no event shall a guilty minor be committed to the
5 Department of Juvenile Justice for an offense that is a Class 3
6 or Class 4 felony violation of the Illinois Controlled
7 Substances Act unless the commitment occurs upon a third or
8 subsequent judicial finding of a violation of probation for
9 substantial noncompliance with court-ordered treatment or
10 programming.

11 (8) A minor found to be guilty for reasons that include a
12 violation of Section 21-1.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 shall be ordered to perform community
14 service for not less than 30 and not more than 120 hours, if
15 community service is available in the jurisdiction. The
16 community service shall include, but need not be limited to,
17 the cleanup and repair of the damage that was caused by the
18 violation or similar damage to property located in the
19 municipality or county in which the violation occurred. The
20 order may be in addition to any other order authorized by this
21 Section.

22 (8.5) A minor found to be guilty for reasons that include a
23 violation of Section 3.02 or Section 3.03 of the Humane Care
24 for Animals Act or paragraph (d) of subsection (1) of Section
25 21-1 of the Criminal Code of 1961 or paragraph (4) of
26 subsection (a) of Section 21-1 of the Criminal Code of 2012

1 shall be ordered to undergo medical or psychiatric treatment
2 rendered by a psychiatrist or psychological treatment rendered
3 by a clinical psychologist. The order may be in addition to any
4 other order authorized by this Section.

5 (9) In addition to any other sentencing order, the court
6 shall order any minor found to be guilty for an act which would
7 constitute, predatory criminal sexual assault of a child,
8 aggravated criminal sexual assault, criminal sexual assault,
9 aggravated criminal sexual abuse, or criminal sexual abuse if
10 committed by an adult to undergo medical testing to determine
11 whether the defendant has any sexually transmissible disease
12 including a test for infection with human immunodeficiency
13 virus (HIV) or any other identified causative agency of
14 acquired immunodeficiency syndrome (AIDS). Any medical test
15 shall be performed only by appropriately licensed medical
16 practitioners and may include an analysis of any bodily fluids
17 as well as an examination of the minor's person. Except as
18 otherwise provided by law, the results of the test shall be
19 kept strictly confidential by all medical personnel involved in
20 the testing and must be personally delivered in a sealed
21 envelope to the judge of the court in which the sentencing
22 order was entered for the judge's inspection in camera. Acting
23 in accordance with the best interests of the victim and the
24 public, the judge shall have the discretion to determine to
25 whom the results of the testing may be revealed. The court
26 shall notify the minor of the results of the test for infection

1 with the human immunodeficiency virus (HIV). The court shall
2 also notify the victim if requested by the victim, and if the
3 victim is under the age of 15 and if requested by the victim's
4 parents or legal guardian, the court shall notify the victim's
5 parents or the legal guardian, of the results of the test for
6 infection with the human immunodeficiency virus (HIV). The
7 court shall provide information on the availability of HIV
8 testing and counseling at the Department of Public Health
9 facilities to all parties to whom the results of the testing
10 are revealed. The court shall order that the cost of any test
11 shall be paid by the county and may be taxed as costs against
12 the minor.

13 (10) When a court finds a minor to be guilty the court
14 shall, before entering a sentencing order under this Section,
15 make a finding whether the offense committed either: (a) was
16 related to or in furtherance of the criminal activities of an
17 organized gang or was motivated by the minor's membership in or
18 allegiance to an organized gang, or (b) involved a violation of
19 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
20 or the Criminal Code of 2012, a violation of any Section of
21 Article 24 of the Criminal Code of 1961 or the Criminal Code of
22 2012, or a violation of any statute that involved the wrongful
23 use of a firearm. If the court determines the question in the
24 affirmative, and the court does not commit the minor to the
25 Department of Juvenile Justice, the court shall order the minor
26 to perform community service for not less than 30 hours nor

1 more than 120 hours, provided that community service is
2 available in the jurisdiction and is funded and approved by the
3 county board of the county where the offense was committed. The
4 community service shall include, but need not be limited to,
5 the cleanup and repair of any damage caused by a violation of
6 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
7 Code of 2012 and similar damage to property located in the
8 municipality or county in which the violation occurred. When
9 possible and reasonable, the community service shall be
10 performed in the minor's neighborhood. This order shall be in
11 addition to any other order authorized by this Section except
12 for an order to place the minor in the custody of the
13 Department of Juvenile Justice. For the purposes of this
14 Section, "organized gang" has the meaning ascribed to it in
15 Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 (11) If the court determines that the offense was committed
18 in furtherance of the criminal activities of an organized gang,
19 as provided in subsection (10), and that the offense involved
20 the operation or use of a motor vehicle or the use of a
21 driver's license or permit, the court shall notify the
22 Secretary of State of that determination and of the period for
23 which the minor shall be denied driving privileges. If, at the
24 time of the determination, the minor does not hold a driver's
25 license or permit, the court shall provide that the minor shall
26 not be issued a driver's license or permit until his or her

1 18th birthday. If the minor holds a driver's license or permit
2 at the time of the determination, the court shall provide that
3 the minor's driver's license or permit shall be revoked until
4 his or her 21st birthday, or until a later date or occurrence
5 determined by the court. If the minor holds a driver's license
6 at the time of the determination, the court may direct the
7 Secretary of State to issue the minor a judicial driving
8 permit, also known as a JDP. The JDP shall be subject to the
9 same terms as a JDP issued under Section 6-206.1 of the
10 Illinois Vehicle Code, except that the court may direct that
11 the JDP be effective immediately.

12 (12) If a minor is found to be guilty of a violation of
13 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
14 by Minors Act, the court may, in its discretion, and upon
15 recommendation by the State's Attorney, order that minor and
16 his or her parents or legal guardian to attend a smoker's
17 education or youth diversion program as defined in that Act if
18 that program is available in the jurisdiction where the
19 offender resides. Attendance at a smoker's education or youth
20 diversion program shall be time-credited against any community
21 service time imposed for any first violation of subsection
22 (a-7) of Section 1 of that Act. In addition to any other
23 penalty that the court may impose for a violation of subsection
24 (a-7) of Section 1 of that Act, the court, upon request by the
25 State's Attorney, may in its discretion require the offender to
26 remit a fee for his or her attendance at a smoker's education

1 or youth diversion program.

2 For purposes of this Section, "smoker's education program"
3 or "youth diversion program" includes, but is not limited to, a
4 seminar designed to educate a person on the physical and
5 psychological effects of smoking tobacco products and the
6 health consequences of smoking tobacco products that can be
7 conducted with a locality's youth diversion program.

8 In addition to any other penalty that the court may impose
9 under this subsection (12):

10 (a) If a minor violates subsection (a-7) of Section 1
11 of the Prevention of Tobacco Use by Minors Act, the court
12 may impose a sentence of 15 hours of community service or a
13 fine of \$25 for a first violation.

14 (b) A second violation by a minor of subsection (a-7)
15 of Section 1 of that Act that occurs within 12 months after
16 the first violation is punishable by a fine of \$50 and 25
17 hours of community service.

18 (c) A third or subsequent violation by a minor of
19 subsection (a-7) of Section 1 of that Act that occurs
20 within 12 months after the first violation is punishable by
21 a \$100 fine and 30 hours of community service.

22 (d) Any second or subsequent violation not within the
23 12-month time period after the first violation is
24 punishable as provided for a first violation.

25 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,
26 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;

1 100-759, eff. 1-1-19.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.