



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/05/04, by Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act

325 ILCS 5/11.1	from Ch. 23, par. 2061.1
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/2-29.5 new	
705 ILCS 405/3-30.5 new	
705 ILCS 405/4-27.5 new	

Creates the Parental Rights Termination Investigation Agency Act and amends the Abused and Neglected Child Reporting Act and the Juvenile Court Act of 1987. Creates the Parental Rights Termination Investigation Agency in the Executive Branch of State Government, to investigate the circumstances of terminations of parental rights if certain criteria are met, including that a person's parental rights were allegedly terminated as a result of negligence by DCFS in investigating or prosecuting the case for termination of the person's parental rights or for a reason or reasons due in substantial part to the person's financial difficulties. Provides that the Agency is entitled to access to records generated under the Abused and Neglected Child Reporting Act and to juvenile court records. Authorizes a person whose parental rights have been terminated under the Juvenile Court Act of 1987 to petition for restoration of those rights, based on the Agency's investigation.

LRB093 14559 RLC 40050 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to parental rights.

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

4 Section 1. Short title. This Act may be cited as Parental
5 Rights Termination Investigation Agency Act.

6 Section 5. Definition. In this Act, "Agency" means the
7 Parental Rights Termination Investigation Agency established
8 under Section 10.

9 Section 10. Agency established. The Parental Rights
10 Termination Investigation Agency is established in the
11 Executive Branch of the State Government. The Agency shall be
12 under the supervision and direction of a Director appointed by
13 the Governor with the advice and consent of the Senate. The
14 Director shall serve at the pleasure of the Governor. The
15 Director is entitled to an annual salary as set by the Governor
16 from time to time or as set by the Compensation Review Board,
17 whichever is greater. If set by the Governor, the Director's
18 annual salary may not exceed 85% of the Governor's annual
19 salary. The Director, in accordance with the Personnel Code,
20 shall employ and direct personnel as necessary to carry out the
21 purposes of this Act.

22 Section 15. Investigation of cases of termination of
23 parental rights.

24 (a) A person whose parental rights have been terminated in
25 a proceeding under the Juvenile Court Act of 1987 may request
26 the Agency to investigate the circumstances of that termination
27 of parental rights if all of the following criteria are met:

28 (1) The person alleges that his or her parental rights
29 were terminated: (A) as a result of negligence by the
30 Department of Children and Family Services in

1 investigating or prosecuting the case for termination of
2 the person's parental rights, in that the Department
3 ignored, or failed to properly investigate, or failed to
4 bring to the court's attention, evidence mitigating
5 against termination of those rights; or (B) (i) for a reason
6 or reasons due in substantial part to the person's
7 financial difficulties, (ii) those financial difficulties
8 no longer exist, and (iii) the court that terminated the
9 person's parental rights made no finding that the person
10 had abused the child or children with respect to whom the
11 parental rights were terminated.

12 (2) The person wants his or her parental rights
13 restored and wants custody of his or her child or children
14 with respect to whom the parental rights were terminated.

15 (3) Not more than 3 years have elapsed since the
16 termination of the person's parental rights.

17 (4) A judgment of adoption has not been entered with
18 respect to the child with respect to whom the person wants
19 his or her parental rights restored, nor is there a
20 petition for adoption pending with respect to the child.

21 (b) As part of an investigation under this Section, the
22 Agency shall determine whether there is reasonable cause to
23 believe that the person's allegations made in accordance with
24 subdivision (a)(1) of this Section are true. If the Agency
25 determines that there is such reasonable cause, then upon the
26 person's request, the Director shall prepare a statement to be
27 attached to a petition for restoration of parental rights as
28 provided in Section 2-29.5, 3-30.5, or 4-27.5 of the Juvenile
29 Court Act of 1987.

30 Section 20. Agency's access to information;
31 confidentiality.

32 (a) For the purpose of conducting investigations
33 authorized under this Act, the Agency is entitled to access to
34 the records described in Section 11 of the Abused and Neglected
35 Child Reporting Act and to the juvenile court records relating

1 to a minor who is or has been the subject of a proceeding under
2 the Juvenile Court Act of 1987.

3 (b) All records generated from investigations conducted by
4 the Agency under this Act are confidential and may not be
5 disclosed except to a court in connection with a proceeding for
6 the restoration of parental rights under Section 2-29.5,
7 3-30.5, or 4-27.5 of the Juvenile Court Act of 1987.

8 Section 90. The Abused and Neglected Child Reporting Act is
9 amended by changing Section 11.1 as follows:

10 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

11 Sec. 11.1. Access to records.

12 (a) A person shall have access to the records described in
13 Section 11 only in furtherance of purposes directly connected
14 with the administration of this Act or the Intergovernmental
15 Missing Child Recovery Act of 1984. Those persons and purposes
16 for access include:

17 (1) Department staff in the furtherance of their
18 responsibilities under this Act, or for the purpose of
19 completing background investigations on persons or
20 agencies licensed by the Department or with whom the
21 Department contracts for the provision of child welfare
22 services.

23 (2) A law enforcement agency investigating known or
24 suspected child abuse or neglect, known or suspected
25 involvement with child pornography, known or suspected
26 criminal sexual assault, known or suspected criminal
27 sexual abuse, or any other sexual offense when a child is
28 alleged to be involved.

29 (3) The Department of State Police when administering
30 the provisions of the Intergovernmental Missing Child
31 Recovery Act of 1984.

32 (4) A physician who has before him a child whom he
33 reasonably suspects may be abused or neglected.

34 (5) A person authorized under Section 5 of this Act to

1 place a child in temporary protective custody when such
2 person requires the information in the report or record to
3 determine whether to place the child in temporary
4 protective custody.

5 (6) A person having the legal responsibility or
6 authorization to care for, treat, or supervise a child or a
7 parent, guardian, or other person responsible for the
8 child's welfare who is the subject of a report.

9 (7) Except in regard to harmful or detrimental
10 information as provided in Section 7.19, any subject of the
11 report, and if the subject of the report is a minor, his
12 guardian or guardian ad litem.

13 (8) A court, upon its finding that access to such
14 records may be necessary for the determination of an issue
15 before such court; however, such access shall be limited to
16 in camera inspection, unless the court determines that
17 public disclosure of the information contained therein is
18 necessary for the resolution of an issue then pending
19 before it.

20 (8.1) A probation officer or other authorized
21 representative of a probation or court services department
22 conducting an investigation ordered by a court under the
23 Juvenile Court Act of 1987.

24 (9) A grand jury, upon its determination that access to
25 such records is necessary in the conduct of its official
26 business.

27 (10) Any person authorized by the Director, in writing,
28 for audit or bona fide research purposes.

29 (11) Law enforcement agencies, coroners or medical
30 examiners, physicians, courts, school superintendents and
31 child welfare agencies in other states who are responsible
32 for child abuse or neglect investigations or background
33 investigations.

34 (12) The Department of Professional Regulation, the
35 State Board of Education and school superintendents in
36 Illinois, who may use or disclose information from the

1 records as they deem necessary to conduct investigations or
2 take disciplinary action, as provided by law.

3 (13) A coroner or medical examiner who has reason to
4 believe that a child has died as the result of abuse or
5 neglect.

6 (14) The Director of a State-operated facility when an
7 employee of that facility is the perpetrator in an
8 indicated report.

9 (15) The operator of a licensed child care facility or
10 a facility licensed by the Department of Human Services (as
11 successor to the Department of Alcoholism and Substance
12 Abuse) in which children reside when a current or
13 prospective employee of that facility is the perpetrator in
14 an indicated child abuse or neglect report, pursuant to
15 Section 4.3 of the Child Care Act of 1969.

16 (16) Members of a multidisciplinary team in the
17 furtherance of its responsibilities under subsection (b)
18 of Section 7.1. All reports concerning child abuse and
19 neglect made available to members of such
20 multidisciplinary teams and all records generated as a
21 result of such reports shall be confidential and shall not
22 be disclosed, except as specifically authorized by this Act
23 or other applicable law. It is a Class A misdemeanor to
24 permit, assist or encourage the unauthorized release of any
25 information contained in such reports or records. Nothing
26 contained in this Section prevents the sharing of reports
27 or records relating or pertaining to the death of a minor
28 under the care of or receiving services from the Department
29 of Children and Family Services and under the jurisdiction
30 of the juvenile court with the juvenile court, the State's
31 Attorney, and the minor's attorney.

32 (17) The Department of Human Services, as provided in
33 Section 17 of the Disabled Persons Rehabilitation Act.

34 (18) Any other agency or investigative body, including
35 the Department of Public Health and a local board of
36 health, authorized by State law to conduct an investigation

1 into the quality of care provided to children in hospitals
2 and other State regulated care facilities. The access to
3 and release of information from such records shall be
4 subject to the approval of the Director of the Department
5 or his designee.

6 (19) The person appointed, under Section 2-17 of the
7 Juvenile Court Act of 1987, as the guardian ad litem of a
8 minor who is the subject of a report or records under this
9 Act.

10 (20) The Department of Human Services, as provided in
11 Section 10 of the Early Intervention Services System Act,
12 and the operator of a facility providing early intervention
13 services pursuant to that Act, for the purpose of
14 determining whether a current or prospective employee who
15 provides or may provide direct services under that Act is
16 the perpetrator in an indicated report of child abuse or
17 neglect filed under this Act.

18 (21) The Parental Rights Termination Investigation
19 Agency, established under the Parental Rights Termination
20 Investigation Agency Act, for the purpose of conducting
21 investigations authorized under that Act.

22 (b) Nothing contained in this Act prevents the sharing or
23 disclosure of information or records relating or pertaining to
24 juveniles subject to the provisions of the Serious Habitual
25 Offender Comprehensive Action Program when that information is
26 used to assist in the early identification and treatment of
27 habitual juvenile offenders.

28 (c) To the extent that persons or agencies are given access
29 to information pursuant to this Section, those persons or
30 agencies may give this information to and receive this
31 information from each other in order to facilitate an
32 investigation conducted by those persons or agencies.

33 (Source: P.A. 93-147, eff. 1-1-04.)

34 Section 95. The Juvenile Court Act of 1987 is amended by
35 changing Section 1-8 and adding Sections 2-29.5, 3-30.5, and

1 4-27.5 as follows:

2 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

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

5 (A) Inspection and copying of juvenile court records
6 relating to a minor who is the subject of a proceeding under
7 this Act shall be restricted to the following:

8 (1) The minor who is the subject of record, his
9 parents, guardian and counsel.

10 (2) Law enforcement officers and law enforcement
11 agencies when such information is essential to executing an
12 arrest or search warrant or other compulsory process, or to
13 conducting an ongoing investigation or relating to a minor
14 who has been adjudicated delinquent and there has been a
15 previous finding that the act which constitutes the
16 previous offense was committed in furtherance of criminal
17 activities by a criminal street gang.

18 Before July 1, 1994, for the purposes of this Section,
19 "criminal street gang" means any ongoing organization,
20 association, or group of 3 or more persons, whether formal
21 or informal, having as one of its primary activities the
22 commission of one or more criminal acts and that has a
23 common name or common identifying sign, symbol or specific
24 color apparel displayed, and whose members individually or
25 collectively engage in or have engaged in a pattern of
26 criminal activity.

27 Beginning July 1, 1994, for purposes of this Section,
28 "criminal street gang" has the meaning ascribed to it in
29 Section 10 of the Illinois Streetgang Terrorism Omnibus
30 Prevention Act.

31 (3) Judges, hearing officers, prosecutors, probation
32 officers, social workers or other individuals assigned by
33 the court to conduct a pre-adjudication or predisposition
34 investigation, and individuals responsible for supervising
35 or providing temporary or permanent care and custody for

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

3 (4) Judges, prosecutors and probation officers:

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

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

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

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

22 (5) Adult and Juvenile Prisoner Review Boards.

23 (6) Authorized military personnel.

24 (7) Victims, their subrogees and legal
25 representatives; however, such persons shall have access
26 only to the name and address of the minor and information
27 pertaining to the disposition or alternative adjustment
28 plan of the juvenile court.

29 (8) Persons engaged in bona fide research, with the
30 permission of the presiding judge of the juvenile court and
31 the chief executive of the agency that prepared the
32 particular records; provided that publication of such
33 research results in no disclosure of a minor's identity and
34 protects the confidentiality of the record.

35 (9) The Secretary of State to whom the Clerk of the
36 Court shall report the disposition of all cases, as

1 required in Section 6-204 of the Illinois Vehicle Code.
2 However, information reported relative to these offenses
3 shall be privileged and available only to the Secretary of
4 State, courts, and police officers.

5 (10) The administrator of a bonafide substance abuse
6 student assistance program with the permission of the
7 presiding judge of the juvenile court.

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

20 (12) The Parental Rights Termination Investigation
21 Agency, established under the Parental Rights Termination
22 Investigation Agency Act, for the purpose of conducting
23 investigations authorized under that Act.

24 (B) A minor who is the victim in a juvenile proceeding
25 shall be provided the same confidentiality regarding
26 disclosure of identity as the minor who is the subject of
27 record.

28 (C) Except as otherwise provided in this subsection (C),
29 juvenile court records shall not be made available to the
30 general public but may be inspected by representatives of
31 agencies, associations and news media or other properly
32 interested persons by general or special order of the court.
33 The State's Attorney, the minor, his parents, guardian and
34 counsel shall at all times have the right to examine court
35 files and records.

36 (1) The court shall allow the general public to have

1 access to the name, address, and offense of a minor who is
2 adjudicated a delinquent minor under this Act under either
3 of the following circumstances:

4 (A) The adjudication of delinquency was based upon
5 the minor's commission of first degree murder, attempt
6 to commit first degree murder, aggravated criminal
7 sexual assault, or criminal sexual assault; or

8 (B) The court has made a finding that the minor was
9 at least 13 years of age at the time the act was
10 committed and the adjudication of delinquency was
11 based upon the minor's commission of: (i) an act in
12 furtherance of the commission of a felony as a member
13 of or on behalf of a criminal street gang, (ii) an act
14 involving the use of a firearm in the commission of a
15 felony, (iii) an act that would be a Class X felony
16 offense under or the minor's second or subsequent Class
17 2 or greater felony offense under the Cannabis Control
18 Act if committed by an adult, (iv) an act that would be
19 a second or subsequent offense under Section 402 of the
20 Illinois Controlled Substances Act if committed by an
21 adult, or (v) an act that would be an offense under
22 Section 401 of the Illinois Controlled Substances Act
23 if committed by an adult.

24 (2) The court shall allow the general public to have
25 access to the name, address, and offense of a minor who is
26 at least 13 years of age at the time the offense is
27 committed and who is convicted, in criminal proceedings
28 permitted or required under Section 5-4, under either of
29 the following circumstances:

30 (A) The minor has been convicted of first degree
31 murder, attempt to commit first degree murder,
32 aggravated criminal sexual assault, or criminal sexual
33 assault,

34 (B) The court has made a finding that the minor was
35 at least 13 years of age at the time the offense was
36 committed and the conviction was based upon the minor's

1 commission of: (i) an offense in furtherance of the
2 commission of a felony as a member of or on behalf of a
3 criminal street gang, (ii) an offense involving the use
4 of a firearm in the commission of a felony, (iii) a
5 Class X felony offense under or a second or subsequent
6 Class 2 or greater felony offense under the Cannabis
7 Control Act, (iv) a second or subsequent offense under
8 Section 402 of the Illinois Controlled Substances Act,
9 or (v) an offense under Section 401 of the Illinois
10 Controlled Substances Act.

11 (D) Pending or following any adjudication of delinquency
12 for any offense defined in Sections 12-13 through 12-16 of the
13 Criminal Code of 1961, the victim of any such offense shall
14 receive the rights set out in Sections 4 and 6 of the Bill of
15 Rights for Victims and Witnesses of Violent Crime Act; and the
16 juvenile who is the subject of the adjudication,
17 notwithstanding any other provision of this Act, shall be
18 treated as an adult for the purpose of affording such rights to
19 the victim.

20 (E) Nothing in this Section shall affect the right of a
21 Civil Service Commission or appointing authority of any state,
22 county or municipality examining the character and fitness of
23 an applicant for employment with a law enforcement agency,
24 correctional institution, or fire department to ascertain
25 whether that applicant was ever adjudicated to be a delinquent
26 minor and, if so, to examine the records of disposition or
27 evidence which were made in proceedings under this Act.

28 (F) Following any adjudication of delinquency for a crime
29 which would be a felony if committed by an adult, or following
30 any adjudication of delinquency for a violation of Section
31 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
32 State's Attorney shall ascertain whether the minor respondent
33 is enrolled in school and, if so, shall provide a copy of the
34 dispositional order to the principal or chief administrative
35 officer of the school. Access to such juvenile records shall be
36 limited to the principal or chief administrative officer of the

1 school and any guidance counselor designated by him.

2 (G) Nothing contained in this Act prevents the sharing or
3 disclosure of information or records relating or pertaining to
4 juveniles subject to the provisions of the Serious Habitual
5 Offender Comprehensive Action Program when that information is
6 used to assist in the early identification and treatment of
7 habitual juvenile offenders.

8 (H) When a Court hearing a proceeding under Article II of
9 this Act becomes aware that an earlier proceeding under Article
10 II had been heard in a different county, that Court shall
11 request, and the Court in which the earlier proceedings were
12 initiated shall transmit, an authenticated copy of the Court
13 record, including all documents, petitions, and orders filed
14 therein and the minute orders, transcript of proceedings, and
15 docket entries of the Court.

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

25 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00,
26 92-415, eff. 8-17-01.)

27 (705 ILCS 405/2-29.5 new)

28 Sec. 2-29.5. Restoration of parental rights.

29 (a) A person whose parental rights with respect to a minor
30 have been terminated by a court under Section 2-29 may file
31 with the court a petition for restoration of those parental
32 rights. The parents of a minor may file a joint petition. The
33 petitioner must attach to the petition a statement signed by
34 the Director of the Parental Rights Termination Investigation
35 Agency or his or her designee and setting forth, in substance,

1 the following:

2 (1) The Agency has conducted an investigation of the
3 circumstances of the termination of the petitioner's
4 parental rights as authorized under the Parental Rights
5 Termination Investigation Agency Act.

6 (2) The Agency has determined that there is reasonable
7 cause to believe that: (A) the petitioner's parental rights
8 were terminated as a result of negligence by the Department
9 of Children and Family Services in investigating or
10 prosecuting the case for termination of the petitioner's
11 parental rights, in that the Department ignored, or failed
12 to properly investigate, or failed to bring to the court's
13 attention, evidence mitigating against termination of the
14 petitioner's parental rights; or (B)(i) the petitioner's
15 parental rights were terminated for a reason or reasons due
16 in substantial part to the person's financial
17 difficulties, (ii) those financial difficulties no longer
18 exist, and (iii) the court that terminated the person's
19 parental rights made no finding that the person had abused
20 the child or children with respect to whom the parental
21 rights were terminated.

22 The Director's statement must also include a summary of the
23 Agency's findings with respect to the investigation.

24 (b) A petition filed under this Section shall name the
25 guardian of the person of the minor as respondent.

26 (c) The State shall pay the petitioner's reasonable
27 attorney's fees incurred in maintaining an action under this
28 Section.

29 (d) The court shall conduct a hearing on the petition, at
30 which the petitioner and the respondent may present oral or
31 written evidence, or both, on the question of whether the
32 petitioner's parental rights should be restored. After hearing
33 the evidence, the court shall grant or deny the petition or
34 take other action, based on the evidence, as it deems
35 appropriate.

1 (705 ILCS 405/3-30.5 new)

2 Sec. 3-30.5. Restoration of parental rights.

3 (a) A person whose parental rights with respect to a minor
4 have been terminated by a court under Section 3-30 may file
5 with the court a petition for restoration of those parental
6 rights. The parents of a minor may file a joint petition. The
7 petitioner must attach to the petition a statement signed by
8 the Director of the Parental Rights Termination Investigation
9 Agency or his or her designee and setting forth, in substance,
10 the following:

11 (1) The Agency has conducted an investigation of the
12 circumstances of the termination of the petitioner's
13 parental rights as authorized under the Parental Rights
14 Termination Investigation Agency Act.

15 (2) The Agency has determined that there is reasonable
16 cause to believe that: (A) the petitioner's parental rights
17 were terminated as a result of negligence by the Department
18 of Children and Family Services in investigating or
19 prosecuting the case for termination of the petitioner's
20 parental rights, in that the Department ignored, or failed
21 to properly investigate, or failed to bring to the court's
22 attention, evidence mitigating against termination of the
23 petitioner's parental rights; or (B) (i) the petitioner's
24 parental rights were terminated for a reason or reasons due
25 in substantial part to the person's financial
26 difficulties, (ii) those financial difficulties no longer
27 exist, and (iii) the court that terminated the person's
28 parental rights made no finding that the person had abused
29 the child or children with respect to whom the parental
30 rights were terminated.

31 The Director's statement must also include a summary of the
32 Agency's findings with respect to the investigation.

33 (b) A petition filed under this Section shall name the
34 guardian of the person of the minor as respondent.

35 (c) The State shall pay the petitioner's reasonable
36 attorney's fees incurred in maintaining an action under this

1 Section.

2 (d) The court shall conduct a hearing on the petition, at
3 which the petitioner and the respondent may present oral or
4 written evidence, or both, on the question of whether the
5 petitioner's parental rights should be restored. After hearing
6 the evidence, the court shall grant or deny the petition or
7 take other action, based on the evidence, as it deems
8 appropriate.

9 (705 ILCS 405/4-27.5 new)

10 Sec. 4-27.5. Restoration of parental rights.

11 (a) A person whose parental rights with respect to a minor
12 have been terminated by a court under Section 4-27 may file
13 with the court a petition for restoration of those parental
14 rights. The parents of a minor may file a joint petition. The
15 petitioner must attach to the petition a statement signed by
16 the Director of the Parental Rights Termination Investigation
17 Agency or his or her designee and setting forth, in substance,
18 the following:

19 (1) The Agency has conducted an investigation of the
20 circumstances of the termination of the petitioner's
21 parental rights as authorized under the Parental Rights
22 Termination Investigation Agency Act.

23 (2) The Agency has determined that there is reasonable
24 cause to believe that: (A) the petitioner's parental rights
25 were terminated as a result of negligence by the Department
26 of Children and Family Services in investigating or
27 prosecuting the case for termination of the petitioner's
28 parental rights, in that the Department ignored, or failed
29 to properly investigate, or failed to bring to the court's
30 attention, evidence mitigating against termination of the
31 petitioner's parental rights; or (B) (i) the petitioner's
32 parental rights were terminated for a reason or reasons due
33 in substantial part to the person's financial
34 difficulties, (ii) those financial difficulties no longer
35 exist, and (iii) the court that terminated the person's

1 parental rights made no finding that the person had abused
2 the child or children with respect to whom the parental
3 rights were terminated.

4 The Director's statement must also include a summary of the
5 Agency's findings with respect to the investigation.

6 (b) A petition filed under this Section shall name the
7 guardian of the person of the minor as respondent.

8 (c) The State shall pay the petitioner's reasonable
9 attorney's fees incurred in maintaining an action under this
10 Section.

11 (d) The court shall conduct a hearing on the petition, at
12 which the petitioner and the respondent may present oral or
13 written evidence, or both, on the question of whether the
14 petitioner's parental rights should be restored. After hearing
15 the evidence, the court shall grant or deny the petition or
16 take other action, based on the evidence, as it deems
17 appropriate.