



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2910

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-27.2 new	
705 ILCS 405/2-28	from Ch. 37, par. 802-28

Amends the Juvenile Court Act of 1987. Provides that the court may approve the placement of a minor in an out of state residential treatment center upon application by the Department of Children and Family Services when the court determines that the placement of the minor in an out-of-state residential treatment center is in the best interest and is the least restrictive, most family-like setting for the minor. Provides that the Department's application shall include an explanation of what in State resources, if any, the Department considered for the minor and why the minor cannot be placed in a residential treatment center or other placement in this State, an explanation as to how the out-of-state residential treatment center will impact the minor's relationships with family and other individuals important to the minor and what steps the Department will take to preserve those relationships, an explanation as to how the Department will ensure the safety and well-being of the minor in the out-of-state residential treatment center and an explanation as to why it is in the minor's best interest to be placed in the out-of-state residential treatment center, including a description of the minor's treatment needs and how those needs will be met in the proposed placement. Provides that this provision does not apply to an out-of-state placement of a minor in a family foster home, relative foster home, a home of a parent, or a dormitory or independent living setting of a minor attending a post-secondary educational institution. Defines "residential treatment center". Effective immediately.

LRB100 10476 SLF 20689 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3 and 2-28 and by adding Section 2-27.2 as
6 follows:

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

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

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

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

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

5 (4.05) Whenever a "best interest" determination is
6 required, the following factors shall be considered in the
7 context of the child's age and developmental needs:

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

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

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

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

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

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

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

20 (iv) continuity of affection for the child;

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

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

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

26 (g) the child's need for permanence which includes the

1 child's need for stability and continuity of relationships
2 with parent figures and with siblings and other relatives;

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

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

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

8 (4.1) "Chronic truant" shall have the definition ascribed
9 to it in Section 26-2a of the School Code.

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

12 (6) "Dispositional hearing" means a hearing to determine
13 whether a minor should be adjudged to be a ward of the court,
14 and to determine what order of disposition should be made in
15 respect to a minor adjudged to be a ward of the court.

16 (7) "Emancipated minor" means any minor 16 years of age or
17 over who has been completely or partially emancipated under the
18 Emancipation of Minors Act or under this Act.

19 (7.05) "Foster parent" includes a relative caregiver
20 selected by the Department of Children and Family Services to
21 provide care for the minor.

22 (8) "Guardianship of the person" of a minor means the duty
23 and authority to act in the best interests of the minor,
24 subject to residual parental rights and responsibilities, to
25 make important decisions in matters having a permanent effect
26 on the life and development of the minor and to be concerned

1 with his or her general welfare. It includes but is not
2 necessarily limited to:

3 (a) the authority to consent to marriage, to enlistment
4 in the armed forces of the United States, or to a major
5 medical, psychiatric, and surgical treatment; to represent
6 the minor in legal actions; and to make other decisions of
7 substantial legal significance concerning the minor;

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

11 (c) the rights and responsibilities of legal custody
12 except where legal custody has been vested in another
13 person or agency; and

14 (d) the power to consent to the adoption of the minor,
15 but only if expressly conferred on the guardian in
16 accordance with Section 2-29, 3-30, or 4-27.

17 (9) "Legal custody" means the relationship created by an
18 order of court in the best interests of the minor which imposes
19 on the custodian the responsibility of physical possession of a
20 minor and the duty to protect, train and discipline him and to
21 provide him with food, shelter, education and ordinary medical
22 care, except as these are limited by residual parental rights
23 and responsibilities and the rights and responsibilities of the
24 guardian of the person, if any.

25 (9.1) "Mentally capable adult relative" means a person 21
26 years of age or older who is not suffering from a mental

1 illness that prevents him or her from providing the care
2 necessary to safeguard the physical safety and welfare of a
3 minor who is left in that person's care by the parent or
4 parents or other person responsible for the minor's welfare.

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

7 (11) "Parent" means a father or mother of a child and
8 includes any adoptive parent. It also includes a person (i)
9 whose parentage is presumed or has been established under the
10 law of this or another jurisdiction or (ii) who has registered
11 with the Putative Father Registry in accordance with Section
12 12.1 of the Adoption Act and whose paternity has not been ruled
13 out under the law of this or another jurisdiction. It does not
14 include a parent whose rights in respect to the minor have been
15 terminated in any manner provided by law. It does not include a
16 person who has been or could be determined to be a parent under
17 the Illinois Parentage Act of 1984 or the Illinois Parentage
18 Act of 2015, or similar parentage law in any other state, if
19 that person has been convicted of or pled nolo contendere to a
20 crime that resulted in the conception of the child under
21 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
22 12-14.1, subsection (a) or (b) (but not subsection (c)) of
23 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
24 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, or similar
26 statute in another jurisdiction unless upon motion of any

1 party, other than the offender, to the juvenile court
2 proceedings the court finds it is in the child's best interest
3 to deem the offender a parent for purposes of the juvenile
4 court proceedings.

5 (11.1) "Permanency goal" means a goal set by the court as
6 defined in subdivision (2) of Section 2-28.

7 (11.2) "Permanency hearing" means a hearing to set the
8 permanency goal and to review and determine (i) the
9 appropriateness of the services contained in the plan and
10 whether those services have been provided, (ii) whether
11 reasonable efforts have been made by all the parties to the
12 service plan to achieve the goal, and (iii) whether the plan
13 and goal have been achieved.

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

17 (12.1) "Physically capable adult relative" means a person
18 21 years of age or older who does not have a severe physical
19 disability or medical condition, or is not suffering from
20 alcoholism or drug addiction, that prevents him or her from
21 providing the care necessary to safeguard the physical safety
22 and welfare of a minor who is left in that person's care by the
23 parent or parents or other person responsible for the minor's
24 welfare.

25 (12.2) "Post Permanency Sibling Contact Agreement" has the
26 meaning ascribed to the term in Section 7.4 of the Children and

1 Family Services Act.

2 (12.3) "Residential treatment center" means a licensed
3 setting that provides 24 hour care to children in a group home
4 or institution, including a facility licensed as a child care
5 institution under Section 2.06 of the Child Care Act, a
6 licensed group home under Section 2.16 of the Child Care Act, a
7 secure child care facility as defined in paragraph (18) of this
8 Section, or any similar facility in another state. Residential
9 treatment center does not include a relative foster home or a
10 licensed foster family home.

11 (13) "Residual parental rights and responsibilities" means
12 those rights and responsibilities remaining with the parent
13 after the transfer of legal custody or guardianship of the
14 person, including, but not necessarily limited to, the right to
15 reasonable visitation (which may be limited by the court in the
16 best interests of the minor as provided in subsection (8) (b) of
17 this Section), the right to consent to adoption, the right to
18 determine the minor's religious affiliation, and the
19 responsibility for his support.

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

23 (14.1) "Sibling Contact Support Plan" has the meaning
24 ascribed to the term in Section 7.4 of the Children and Family
25 Services Act.

26 (15) "Station adjustment" means the informal handling of an

1 alleged offender by a juvenile police officer.

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

6 (17) "Juvenile police officer" means a sworn police officer
7 who has completed a Basic Recruit Training Course, has been
8 assigned to the position of juvenile police officer by his or
9 her chief law enforcement officer and has completed the
10 necessary juvenile officers training as prescribed by the
11 Illinois Law Enforcement Training Standards Board, or in the
12 case of a State police officer, juvenile officer training
13 approved by the Director of the Department of State Police.

14 (18) "Secure child care facility" means any child care
15 facility licensed by the Department of Children and Family
16 Services to provide secure living arrangements for children
17 under 18 years of age who are subject to placement in
18 facilities under the Children and Family Services Act and who
19 are not subject to placement in facilities for whom standards
20 are established by the Department of Corrections under Section
21 3-15-2 of the Unified Code of Corrections. "Secure child care
22 facility" also means a facility that is designed and operated
23 to ensure that all entrances and exits from the facility, a
24 building, or a distinct part of the building are under the
25 exclusive control of the staff of the facility, whether or not
26 the child has the freedom of movement within the perimeter of

1 the facility, building, or distinct part of the building.

2 (Source: P.A. 98-249, eff. 1-1-14; 99-85, eff. 1-1-16.)

3 (705 ILCS 405/2-27.2 new)

4 Sec. 2-27.2. Placement; out-of-state residential treatment
5 center.

6 (a) In addition to the provisions of subsection (3) of
7 Section 2-27 of this Act, no placement by any probation officer
8 or agency whose representative is an appointed guardian of the
9 person or legal custodian of the minor may be made in an
10 out-of-state residential treatment center unless the court has
11 determined that the out-of-state residential placement is in
12 the best interest and is the least restrictive, most
13 family-like setting for the minor. The Department's
14 application to the court to place a minor in an out-of-state
15 residential treatment center shall include:

16 (1) an explanation of what in State resources, if any,
17 were considered for the minor and why the minor cannot be
18 placed in a residential treatment center or other placement
19 in this State;

20 (2) an explanation as to how the out-of-state
21 residential treatment center will impact the minor's
22 relationships with family and other individuals important
23 to the minor in and what steps the Department will take to
24 preserve those relationships;

25 (3) an explanation as to how the Department will ensure

1 the safety and well-being of the minor in the out-of-state
2 residential treatment center; and

3 (4) an explanation as to why it is in the minor's best
4 interest to be placed in an out-of-state residential
5 treatment center, including a description of the minor's
6 treatment needs and how those needs will be met in the
7 proposed placement.

8 (b) If the out-of-state residential treatment center is a
9 secure facility as defined in paragraph (18) of Section 1-3 of
10 this Act, the requirements of Section 27.1 of this Act shall
11 also be met prior to the minor's placement in the out-of-state
12 residential treatment center.

13 (c) This Section does not apply to an out-of-state
14 placement of a minor in a family foster home, relative foster
15 home, a home of a parent, or a dormitory or independent living
16 setting of a minor attending a post-secondary educational
17 institution.

18 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

19 Sec. 2-28. Court review.

20 (1) The court may require any legal custodian or guardian
21 of the person appointed under this Act to report periodically
22 to the court or may cite him into court and require him or his
23 agency, to make a full and accurate report of his or its doings
24 in behalf of the minor. The custodian or guardian, within 10
25 days after such citation, shall make the report, either in

1 writing verified by affidavit or orally under oath in open
2 court, or otherwise as the court directs. Upon the hearing of
3 the report the court may remove the custodian or guardian and
4 appoint another in his stead or restore the minor to the
5 custody of his parents or former guardian or custodian.
6 However, custody of the minor shall not be restored to any
7 parent, guardian or legal custodian in any case in which the
8 minor is found to be neglected or abused under Section 2-3 or
9 dependent under Section 2-4 of this Act, unless the minor can
10 be cared for at home without endangering the minor's health or
11 safety and it is in the best interests of the minor, and if
12 such neglect, abuse, or dependency is found by the court under
13 paragraph (1) of Section 2-21 of this Act to have come about
14 due to the acts or omissions or both of such parent, guardian
15 or legal custodian, until such time as an investigation is made
16 as provided in paragraph (5) and a hearing is held on the issue
17 of the fitness of such parent, guardian or legal custodian to
18 care for the minor and the court enters an order that such
19 parent, guardian or legal custodian is fit to care for the
20 minor.

21 (2) The first permanency hearing shall be conducted by the
22 judge. Subsequent permanency hearings may be heard by a judge
23 or by hearing officers appointed or approved by the court in
24 the manner set forth in Section 2-28.1 of this Act. The initial
25 hearing shall be held (a) within 12 months from the date
26 temporary custody was taken, regardless of whether an

1 adjudication or dispositional hearing has been completed
2 within that time frame, (b) if the parental rights of both
3 parents have been terminated in accordance with the procedure
4 described in subsection (5) of Section 2-21, within 30 days of
5 the order for termination of parental rights and appointment of
6 a guardian with power to consent to adoption, or (c) in
7 accordance with subsection (2) of Section 2-13.1. Subsequent
8 permanency hearings shall be held every 6 months or more
9 frequently if necessary in the court's determination following
10 the initial permanency hearing, in accordance with the
11 standards set forth in this Section, until the court determines
12 that the plan and goal have been achieved. Once the plan and
13 goal have been achieved, if the minor remains in substitute
14 care, the case shall be reviewed at least every 6 months
15 thereafter, subject to the provisions of this Section, unless
16 the minor is placed in the guardianship of a suitable relative
17 or other person and the court determines that further
18 monitoring by the court does not further the health, safety or
19 best interest of the child and that this is a stable permanent
20 placement. The permanency hearings must occur within the time
21 frames set forth in this subsection and may not be delayed in
22 anticipation of a report from any source or due to the agency's
23 failure to timely file its written report (this written report
24 means the one required under the next paragraph and does not
25 mean the service plan also referred to in that paragraph).

26 The public agency that is the custodian or guardian of the

1 minor, or another agency responsible for the minor's care,
2 shall ensure that all parties to the permanency hearings are
3 provided a copy of the most recent service plan prepared within
4 the prior 6 months at least 14 days in advance of the hearing.
5 If not contained in the plan, the agency shall also include a
6 report setting forth (i) any special physical, psychological,
7 educational, medical, emotional, or other needs of the minor or
8 his or her family that are relevant to a permanency or
9 placement determination and (ii) for any minor age 16 or over,
10 a written description of the programs and services that will
11 enable the minor to prepare for independent living. The
12 agency's written report must detail what progress or lack of
13 progress the parent has made in correcting the conditions
14 requiring the child to be in care; whether the child can be
15 returned home without jeopardizing the child's health, safety,
16 and welfare, and if not, what permanency goal is recommended to
17 be in the best interests of the child, and why the other
18 permanency goals are not appropriate. The caseworker must
19 appear and testify at the permanency hearing. If a permanency
20 hearing has not previously been scheduled by the court, the
21 moving party shall move for the setting of a permanency hearing
22 and the entry of an order within the time frames set forth in
23 this subsection.

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

1 (A) The minor will be returned home by a specific date
2 within 5 months.

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

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

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

21 (D) Adoption, provided that parental rights have been
22 terminated or relinquished.

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

26 (F) The minor over age 15 will be in substitute care

1 pending independence.

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

7 In selecting any permanency goal, the court shall indicate
8 in writing the reasons the goal was selected and why the
9 preceding goals were ruled out. Where the court has selected a
10 permanency goal other than (A), (B), or (B-1), the Department
11 of Children and Family Services shall not provide further
12 reunification services, but shall provide services consistent
13 with the goal selected.

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

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

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

21 (3) The court has found compelling reasons, based
22 on written documentation reviewed by the court, to
23 place the minor in continuing foster care. Compelling
24 reasons include:

25 (a) the child does not wish to be adopted or to
26 be placed in the guardianship of his or her

1 relative or foster care placement;

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

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

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

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

20 The court shall set a permanency goal that is in the best
21 interest of the child. In determining that goal, the court
22 shall consult with the minor in an age-appropriate manner
23 regarding the proposed permanency or transition plan for the
24 minor. The court's determination shall include the following
25 factors:

26 (1) Age of the child.

1 (2) Options available for permanence, including both
2 out-of-State and in-State placement options.

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

5 (4) Emotional, physical, and mental status or
6 condition of the child.

7 (5) Types of services previously offered and whether or
8 not the services were successful and, if not successful,
9 the reasons the services failed.

10 (6) Availability of services currently needed and
11 whether the services exist.

12 (7) Status of siblings of the minor.

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

22 The court shall make findings as to whether, in violation
23 of Section 8.2 of the Abused and Neglected Child Reporting Act,
24 any portion of the service plan compels a child or parent to
25 engage in any activity or refrain from any activity that is not
26 reasonably related to remedying a condition or conditions that

1 gave rise or which could give rise to any finding of child
2 abuse or neglect. The services contained in the service plan
3 shall include services reasonably related to remedy the
4 conditions that gave rise to removal of the child from the home
5 of his or her parents, guardian, or legal custodian or that the
6 court has found must be remedied prior to returning the child
7 home. Any tasks the court requires of the parents, guardian, or
8 legal custodian or child prior to returning the child home,
9 must be reasonably related to remedying a condition or
10 conditions that gave rise to or which could give rise to any
11 finding of child abuse or neglect.

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

20 The court shall review the Sibling Contact Support Plan
21 developed or modified under subsection (f) of Section 7.4 of
22 the Children and Family Services Act, if applicable. If the
23 Department has not convened a meeting to develop or modify a
24 Sibling Contact Support Plan, or if the court finds that the
25 existing Plan is not in the child's best interest, the court
26 may enter an order requiring the Department to develop, modify

1 or implement a Sibling Contact Support Plan, or order
2 mediation.

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

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

21 A guardian or custodian appointed by the court pursuant to
22 this Act shall file updated case plans with the court every 6
23 months.

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

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

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

7 (b) If the permanency goal of the minor cannot be
8 achieved immediately, the specific reasons for continuing
9 the minor in the care of the Department of Children and
10 Family Services or other agency for short term placement,
11 and the following determinations:

12 (i) (Blank).

13 (ii) Whether the services required by the court and
14 by any service plan prepared within the prior 6 months
15 have been provided and (A) if so, whether the services
16 were reasonably calculated to facilitate the
17 achievement of the permanency goal or (B) if not
18 provided, why the services were not provided.

19 (iii) Whether the minor's placement current or
20 planned is necessary, and appropriate to the plan and
21 goal, recognizing the right of minors to the least
22 restrictive (most family-like) setting available and
23 in close proximity to the parents' home consistent with
24 the health, safety, best interest and special needs of
25 the minor and, if the minor is placed out-of-State,
26 whether the out-of-State placement continues to be

1 appropriate and consistent with the health, safety,
2 and best interest of the minor.

3 (iv) (Blank).

4 (v) (Blank).

5 (4) The minor or any person interested in the minor may
6 apply to the court for a change in custody of the minor and the
7 appointment of a new custodian or guardian of the person or for
8 the restoration of the minor to the custody of his parents or
9 former guardian or custodian.

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

11 (a) The Department, the minor, or the current foster
12 parent or relative caregiver seeking private guardianship
13 may file a motion for private guardianship of the minor.
14 Appointment of a guardian under this Section requires
15 approval of the court.

16 (b) The State's Attorney may file a motion to terminate
17 parental rights of any parent who has failed to make
18 reasonable efforts to correct the conditions which led to
19 the removal of the child or reasonable progress toward the
20 return of the child, as defined in subdivision (D)(m) of
21 Section 1 of the Adoption Act or for whom any other
22 unfitness ground for terminating parental rights as
23 defined in subdivision (D) of Section 1 of the Adoption Act
24 exists.

25 When parental rights have been terminated for a minimum
26 of 3 years and the child who is the subject of the

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

15 Custody of the minor shall not be restored to any parent,
16 guardian or legal custodian in any case in which the minor is
17 found to be neglected or abused under Section 2-3 or dependent
18 under Section 2-4 of this Act, unless the minor can be cared
19 for at home without endangering his or her health or safety and
20 it is in the best interest of the minor, and if such neglect,
21 abuse, or dependency is found by the court under paragraph (1)
22 of Section 2-21 of this Act to have come about due to the acts
23 or omissions or both of such parent, guardian or legal
24 custodian, until such time as an investigation is made as
25 provided in paragraph (5) and a hearing is held on the issue of
26 the health, safety and best interest of the minor and the

1 fitness of such parent, guardian or legal custodian to care for
2 the minor and the court enters an order that such parent,
3 guardian or legal custodian is fit to care for the minor. In
4 the event that the minor has attained 18 years of age and the
5 guardian or custodian petitions the court for an order
6 terminating his guardianship or custody, guardianship or
7 custody shall terminate automatically 30 days after the receipt
8 of the petition unless the court orders otherwise. No legal
9 custodian or guardian of the person may be removed without his
10 consent until given notice and an opportunity to be heard by
11 the court.

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

19 (5) Whenever a parent, guardian, or legal custodian files a
20 motion for restoration of custody of the minor, and the minor
21 was adjudicated neglected, abused, or dependent as a result of
22 physical abuse, the court shall cause to be made an
23 investigation as to whether the movant has ever been charged
24 with or convicted of any criminal offense which would indicate
25 the likelihood of any further physical abuse to the minor.
26 Evidence of such criminal convictions shall be taken into

1 account in determining whether the minor can be cared for at
2 home without endangering his or her health or safety and
3 fitness of the parent, guardian, or legal custodian.

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

7 (b) The information derived from the investigation and
8 any conclusions or recommendations derived from the
9 information shall be provided to the parent, guardian, or
10 legal custodian seeking restoration of custody prior to the
11 hearing on fitness and the movant shall have an opportunity
12 at the hearing to refute the information or contest its
13 significance.

14 (c) All information obtained from any investigation
15 shall be confidential as provided in Section 5-150 of this
16 Act.

17 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;
18 98-756, eff. 7-16-14.)

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