

1 AN ACT concerning juveniles.

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 35.1 as follows:

6 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

7 Sec. 35.1. The case and clinical records of patients in
8 Department supervised facilities, youth in care, children
9 receiving or applying for child welfare services, persons
10 receiving or applying for other services of the Department, and
11 Department reports of injury or abuse to children shall not be
12 open to the general public. Such case and clinical records and
13 reports or the information contained therein shall be disclosed
14 by the Director of the Department to juvenile authorities when
15 necessary for the discharge of their official duties who
16 request information concerning the minor and who certify in
17 writing that the information will not be disclosed to any other
18 party except as provided under law or order of court. For
19 purposes of this Section, "juvenile authorities" means: (i) a
20 judge of the circuit court and members of the staff of the
21 court designated by the judge; (ii) parties to the proceedings
22 under the Juvenile Court Act of 1987 and their attorneys; (iii)
23 probation officers and court appointed advocates for the

1 juvenile authorized by the judge hearing the case; (iv) any
2 individual, public or private agency having custody of the
3 child pursuant to court order or pursuant to placement of the
4 child by the Department; (v) any individual, public or private
5 agency providing education, medical or mental health service to
6 the child when the requested information is needed to determine
7 the appropriate service or treatment for the minor; (vi) any
8 potential placement provider when such release is authorized by
9 the court for the limited purpose of determining the
10 appropriateness of the potential placement; (vii) law
11 enforcement officers and prosecutors; (viii) adult and
12 juvenile prisoner review boards; (ix) authorized military
13 personnel; (x) individuals authorized by court; (xi) the
14 Illinois General Assembly or any committee or commission
15 thereof. This Section does not apply to the Department's fiscal
16 records, other records of a purely administrative nature, or
17 any forms, documents or other records required of facilities
18 subject to licensure by the Department except as may otherwise
19 be provided under the Child Care Act of 1969. Notwithstanding
20 any other provision of this Section, upon request, a guardian
21 ad litem or attorney appointed to represent a child who is the
22 subject of an action pursuant to Article II of the Juvenile
23 Court Act of 1987 may obtain a copy of foster home licensing
24 records, including all information related to licensing
25 complaints and investigations, regarding a home in which the
26 child is placed or regarding a home in which the Department

1 plans to place the child. Any information contained in foster
2 home licensing records that is protected from disclosure by
3 federal or State law may be obtained only in compliance with
4 that law. Nothing in this Section restricts the authority of a
5 court to order release of licensing records for purposes of
6 discovery or as otherwise authorized by law.

7 Nothing contained in this Act prevents the sharing or
8 disclosure of information or records relating or pertaining to
9 juveniles subject to the provisions of the Serious Habitual
10 Offender Comprehensive Action Program when that information is
11 used to assist in the early identification and treatment of
12 habitual juvenile offenders.

13 Nothing contained in this Act prevents the sharing or
14 disclosure of information or records relating or pertaining to
15 the death of a minor under the care of or receiving services
16 from the Department and under the jurisdiction of the juvenile
17 court with the juvenile court, the State's Attorney, and the
18 minor's attorney.

19 In this paragraph, "significant event report" means a
20 written document describing an occurrence or event beyond the
21 customary operations, routines, or relationships in the
22 Department, a child care facility, or other entity that is
23 licensed or regulated by the Department or that provides
24 services for the Department under a grant, contract, or
25 purchase of service agreement; involving children or youth,
26 employees, foster parents, or relative caregivers; allegations

1 of abuse or neglect or any other incident raising a concern
2 about the well-being of a minor under the jurisdiction of the
3 court under Article II of the Juvenile Court Act; incidents
4 involving damage to property, allegations of criminal
5 activity, misconduct, or other occurrences affecting the
6 operations of the Department or a child care facility; any
7 incident that could have media impact; and unusual incidents as
8 defined by Department rule. The Department shall provide a
9 minor's guardian ad litem, appointed under Section 2-17 of the
10 Juvenile Court Act of 1987, or a minor's attorney appointed
11 under the Juvenile Court Act of 1987, with a copy of each
12 significant event report involving the minor no later than 3
13 days after the Department learns of an event requiring a
14 significant event report to be written, or earlier as required
15 by Department rule.

16 Nothing contained in this Section prohibits or prevents any
17 individual dealing with or providing services to a minor from
18 sharing information with another individual dealing with or
19 providing services to a minor for the purpose of coordinating
20 efforts on behalf of the minor. The sharing of such information
21 is only for the purpose stated herein and is to be consistent
22 with the intent and purpose of the confidentiality provisions
23 of the Juvenile Court Act of 1987. This provision does not
24 abrogate any recognized privilege. Sharing information does
25 not include copying of records, reports or case files unless
26 authorized herein.

1 Nothing in this Section prohibits or prevents the
2 re-disclosure of records, reports, or other information that
3 reveals malfeasance or nonfeasance on the part of the
4 Department, its employees, or its agents. Nothing in this
5 Section prohibits or prevents the Department or a party in a
6 proceeding under the Juvenile Court Act of 1987 from copying
7 records, reports, or case files for the purpose of sharing
8 those documents with other parties to the litigation.

9 (Source: P.A. 99-779, eff. 1-1-17; 100-159, eff. 8-18-17.)

10 Section 10. The Juvenile Court Act of 1987 is amended by
11 changing Sections 1-3 and 2-17 as follows:

12 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

16 (1) "Adjudicatory hearing" means a hearing to determine
17 whether the allegations of a petition under Section 2-13, 3-15
18 or 4-12 that a minor under 18 years of age is abused, neglected
19 or dependent, or requires authoritative intervention, or
20 addicted, respectively, are supported by a preponderance of the
21 evidence or whether the allegations of a petition under Section
22 5-520 that a minor is delinquent are proved beyond a reasonable
23 doubt.

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

1 (3) "Agency" means a public or private child care facility
2 legally authorized or licensed by this State for placement or
3 institutional care or for both placement and institutional
4 care.

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

9 (4.05) Whenever a "best interest" determination is
10 required, the following factors shall be considered in the
11 context of the child's age and developmental needs:

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

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

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

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

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

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

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

24 (iv) continuity of affection for the child;

25 (v) the least disruptive placement alternative for
26 the child;

- 1 (e) the child's wishes and long-term goals;
- 2 (f) the child's community ties, including church,
3 school, and friends;
- 4 (g) the child's need for permanence which includes the
5 child's need for stability and continuity of relationships
6 with parent figures and with siblings and other relatives;
- 7 (h) the uniqueness of every family and child;
- 8 (i) the risks attendant to entering and being in
9 substitute care; and
- 10 (j) the preferences of the persons available to care
11 for the child.

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

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

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

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

23 (7.05) "Foster parent" includes a relative caregiver
24 selected by the Department of Children and Family Services to
25 provide care for the minor.

26 (8) "Guardianship of the person" of a minor means the duty

1 and authority to act in the best interests of the minor,
2 subject to residual parental rights and responsibilities, to
3 make important decisions in matters having a permanent effect
4 on the life and development of the minor and to be concerned
5 with his or her general welfare. It includes but is not
6 necessarily limited to:

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

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

15 (c) the rights and responsibilities of legal custody
16 except where legal custody has been vested in another
17 person or agency; and

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

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

1 and responsibilities and the rights and responsibilities of the
2 guardian of the person, if any.

3 (9.1) "Mentally capable adult relative" means a person 21
4 years of age or older who is not suffering from a mental
5 illness that prevents him or her from providing the care
6 necessary to safeguard the physical safety and welfare of a
7 minor who is left in that person's care by the parent or
8 parents or other person responsible for the minor's welfare.

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

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

1 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
2 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, or similar
4 statute in another jurisdiction unless upon motion of any
5 party, other than the offender, to the juvenile court
6 proceedings the court finds it is in the child's best interest
7 to deem the offender a parent for purposes of the juvenile
8 court proceedings.

9 (11.1) "Permanency goal" means a goal set by the court as
10 defined in subdivision (2) of Section 2-28.

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

18 (12) "Petition" means the petition provided for in Section
19 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
20 thereunder in Section 3-15, 4-12 or 5-520.

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

1 parent or parents or other person responsible for the minor's
2 welfare.

3 (12.2) "Post Permanency Sibling Contact Agreement" has the
4 meaning ascribed to the term in Section 7.4 of the Children and
5 Family Services Act.

6 (12.3) "Residential treatment center" means a licensed
7 setting that provides 24-hour ~~24-hour~~ care to children in a
8 group home or institution, including a facility licensed as a
9 child care institution under Section 2.06 of the Child Care Act
10 of 1969, a licensed group home under Section 2.16 of the Child
11 Care Act of 1969, a secure child care facility as defined in
12 paragraph (18) of this Section, or any similar facility in
13 another state. "Residential treatment center" does not include
14 a relative foster home or a licensed foster family home.

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

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

1 (14.05) "Shelter placement" means a temporary or emergency
2 placement for a minor, including an emergency foster home
3 placement.

4 (14.1) "Sibling Contact Support Plan" has the meaning
5 ascribed to the term in Section 7.4 of the Children and Family
6 Services Act.

7 (14.2) "Significant event report" means a written document
8 describing an occurrence or event beyond the customary
9 operations, routines, or relationships in the Department of
10 Children of Family Services, a child care facility, or other
11 entity that is licensed or regulated by the Department of
12 Children of Family Services or that provides services for the
13 Department of Children of Family Services under a grant,
14 contract, or purchase of service agreement; involving children
15 or youth, employees, foster parents, or relative caregivers;
16 allegations of abuse or neglect or any other incident raising a
17 concern about the well-being of a minor under the jurisdiction
18 of the court under Article II of the Juvenile Court Act;
19 incidents involving damage to property, allegations of
20 criminal activity, misconduct, or other occurrences affecting
21 the operations of the Department of Children of Family Services
22 or a child care facility; any incident that could have media
23 impact; and unusual incidents as defined by Department of
24 Children and Family Services rule.

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

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

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

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

1 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
2 100-229, eff. 1-1-18; revised 10-10-17.)

3 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

4 Sec. 2-17. Guardian ad litem.

5 (1) Immediately upon the filing of a petition alleging that
6 the minor is a person described in Sections 2-3 or 2-4 of this
7 Article, the court shall appoint a guardian ad litem for the
8 minor if:

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

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

19 Unless the guardian ad litem appointed pursuant to this
20 paragraph (1) is an attorney at law he shall be represented in
21 the performance of his duties by counsel. The guardian ad litem
22 shall represent the best interests of the minor and shall
23 present recommendations to the court consistent with that duty.

24 (2) Before proceeding with the hearing, the court shall
25 appoint a guardian ad litem for the minor if

1 (a) no parent, guardian, custodian or relative of the
2 minor appears at the first or any subsequent hearing of the
3 case;

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

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

9 (3) The court may appoint a guardian ad litem for the minor
10 whenever it finds that there may be a conflict of interest
11 between the minor and his parents or other custodian or that it
12 is otherwise in the minor's best interest to do so.

13 (4) Unless the guardian ad litem is an attorney, he shall
14 be represented by counsel.

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

20 (6) A guardian ad litem appointed under this Section, shall
21 receive copies of any and all classified reports of child abuse
22 and neglect made under the Abused and Neglected Child Reporting
23 Act in which the minor who is the subject of a report under the
24 Abused and Neglected Child Reporting Act, is also the minor for
25 whom the guardian ad litem is appointed under this Section.

26 (6.5) A guardian ad litem appointed under this Section or

1 attorney appointed under this Act, shall receive a copy of each
2 significant event report that involves the minor no later than
3 3 days after the Department learns of an event requiring a
4 significant event report to be written, or earlier as required
5 by Department rule.

6 (7) The appointed guardian ad litem shall remain the
7 child's guardian ad litem throughout the entire juvenile trial
8 court proceedings, including permanency hearings and
9 termination of parental rights proceedings, unless there is a
10 substitution entered by order of the court.

11 (8) The guardian ad litem or an agent of the guardian ad
12 litem shall have a minimum of one in-person contact with the
13 minor and one contact with one of the current foster parents or
14 caregivers prior to the adjudicatory hearing, and at least one
15 additional in-person contact with the child and one contact
16 with one of the current foster parents or caregivers after the
17 adjudicatory hearing but prior to the first permanency hearing
18 and one additional in-person contact with the child and one
19 contact with one of the current foster parents or caregivers
20 each subsequent year. For good cause shown, the judge may
21 excuse face-to-face interviews required in this subsection.

22 (9) In counties with a population of 100,000 or more but
23 less than 3,000,000, each guardian ad litem must successfully
24 complete a training program approved by the Department of
25 Children and Family Services. The Department of Children and
26 Family Services shall provide training materials and documents

1 to guardians ad litem who are not mandated to attend the
2 training program. The Department of Children and Family
3 Services shall develop and distribute to all guardians ad litem
4 a bibliography containing information including but not
5 limited to the juvenile court process, termination of parental
6 rights, child development, medical aspects of child abuse, and
7 the child's need for safety and permanence.

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