



Rep. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 191

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 191 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing Section  
6 7.1 as follows:

7 (20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

8 Sec. 7.1. Individual Care Grants.

9 (a) For the purposes of this Section 7.1, "Department"  
10 means the Department of Healthcare and Family Services.

11 (b) To assist families in seeking intensive  
12 community-based services or residential placement for children  
13 with mental illness, for whom no appropriate care is available  
14 in State-operated facilities, the Department shall supplement  
15 the amount a family is able to pay, as determined by the  
16 Department and the amount available from other sources,

1 provided the Department's share shall not exceed a uniform  
2 maximum rate to be determined from time to time by the  
3 Department. The Department may exercise the authority under  
4 this Section as is necessary to implement the provisions of  
5 Section 5-5.23 of the Illinois Public Aid Code and to  
6 administer Individual Care Grants. The Department shall work  
7 collaboratively with stakeholders and family representatives  
8 in the implementation of this Section.

9 (c) A child shall continue to be eligible for an Individual  
10 Care Grant if (1): the child is placed in the temporary custody  
11 of the Department of Children and Family Services under Article  
12 II of the Juvenile Care Act of 1987 because the child was left  
13 at a psychiatric hospital beyond medical necessity and an  
14 application for the Family Support Program was pending with the  
15 Department or an active application was being reviewed by the  
16 Department when the petition under the Juvenile Court Act of  
17 1987 was filed; or (2) the child is placed in the guardianship  
18 of the Department of Children and Family Services under Article  
19 V of the Juvenile Court Act of 1987 because the child requires  
20 care in a residential treatment facility and an application for  
21 the Family Support Program was pending with the Department or  
22 an active application was being reviewed by the Department when  
23 the guardianship order was entered.

24 (d) If the Department determines that the child meets all  
25 the eligibility criteria for Family Support Services and  
26 approves the application, the Department shall notify the

1 parents and the Department of Children and Family Services. The  
2 court hearing the child's case under the Juvenile Court Act of  
3 1987 shall conduct a hearing within 14 days after all parties  
4 have been notified and determine whether to vacate the custody  
5 or guardianship of the Department of Children and Family  
6 Services and return the child to the custody of his or her  
7 parents with Family Support Services in place or whether the  
8 child shall continue in the custody or guardianship of the  
9 Department of Children and Family Services and decline the  
10 Family Support Program. The court shall conduct the hearing  
11 under Section 2-4b or Section 5-711 of the Juvenile Court Act  
12 of 1987. If the court vacates the custody or guardianship of  
13 the Department of Children and Family Services and returns the  
14 child to the custody of the parent, guardian, or other adult  
15 respondent with Family Support Services, the Department shall  
16 become fiscally responsible for providing services to the  
17 child. If the court determines that the child shall continue in  
18 the custody of the Department of Children and Family Services,  
19 the Department of Children and Family Services shall remain  
20 fiscally responsible for providing services to the child, the  
21 Family Support Services shall be declined, and the child shall  
22 no longer be eligible for Family Support Services as long as  
23 the child remains in the custody or guardianship of the  
24 Department of Children and Family Services.

25 (e) The Department shall provide an expedited review  
26 process for applications for minors in the custody or

1 guardianship of the Department of Children and Family Services  
2 who continue to remain eligible for Individual Care Grants. The  
3 Department shall work collaboratively with stakeholders,  
4 including legal representatives of minors in care, providers of  
5 residential treatment services, and with the Department of  
6 Children and Family Services, to ensure that minors who are  
7 recipients of Individual Care Grants under this Section and  
8 Sections Section 2-4b and 5-711 of the Juvenile Court Act of  
9 1987 do not experience a disruption in services if the minor  
10 transitions from one program to another. The Department shall  
11 adopt rules to implement this Section no later than July 1,  
12 2019.

13 (Source: P.A. 99-479, eff. 9-10-15; 100-978, eff. 8-19-18.)

14 Section 10. The Juvenile Court Act of 1987 is amended by  
15 changing Sections 2-31 and 2-33 and by adding Section 5-711 as  
16 follows:

17 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

18 Sec. 2-31. Duration of wardship and discharge of  
19 proceedings.

20 (1) All proceedings under Article II of this Act in respect  
21 of any minor ~~for whom a petition was filed after the effective~~  
22 ~~date of this amendatory Act of 1991~~ automatically terminate  
23 upon his or her attaining the age of 21 ~~19~~ years, ~~except that a~~  
24 ~~court may continue the wardship of a minor until age 21 for~~

1 ~~good cause when there is satisfactory evidence presented to the~~  
2 ~~court and the court makes written factual findings that the~~  
3 ~~health, safety, and best interest of the minor and the public~~  
4 ~~require the continuation of the wardship. A court shall find~~  
5 ~~that it is in the minor's best interest to continue wardship if~~  
6 ~~the Department of Children and Family Services has not made~~  
7 ~~reasonable efforts to ensure that the minor has documents~~  
8 ~~necessary for adult living as provided in Section 35.10 of the~~  
9 ~~Children and Family Services Act.~~

10 (2) Whenever the court determines, and makes written  
11 factual findings, that health, safety, and the best interests  
12 of the minor and the public no longer require the wardship of  
13 the court, the court shall order the wardship terminated and  
14 all proceedings under this Act respecting that minor finally  
15 closed and discharged. The court may at the same time continue  
16 or terminate any custodianship or guardianship theretofore  
17 ordered but the termination must be made in compliance with  
18 Section 2-28. When terminating wardship under this Section, if  
19 the minor is over 18, or if wardship is terminated in  
20 conjunction with an order partially or completely emancipating  
21 the minor in accordance with the Emancipation of Minors Act,  
22 the court shall also consider the following factors, in  
23 addition to the health, safety, and best interest of the minor  
24 and the public: (A) the minor's wishes regarding case closure;  
25 (B) the manner in which the minor will maintain independence  
26 without services from the Department; (C) the minor's

1 engagement in services including placement offered by the  
2 Department; (D) if the minor is not engaged the Department's  
3 efforts to engage the minor; (E) the nature of communication  
4 between the minor and the Department; (F) the minor's  
5 involvement in other State systems or services; (G) the minor's  
6 connections with family and other community support; and (H)  
7 any other factor the court deems relevant ~~also make specific~~  
8 ~~findings of fact as to the minor's wishes regarding case~~  
9 ~~closure and the manner in which the minor will maintain~~  
10 ~~independence.~~ The minor's lack of cooperation with services  
11 provided by the Department of Children and Family Services  
12 shall not by itself be considered sufficient evidence that the  
13 minor is prepared to live independently and that it is in the  
14 best interest of the minor to terminate wardship. It shall not  
15 be in the minor's best interest to terminate wardship of a  
16 minor over the age of 18 who is in the guardianship of the  
17 Department of Children and Family Services if the Department  
18 has not made reasonable efforts to ensure that the minor has  
19 documents necessary for adult living as provided in Section  
20 35.10 of the Children and Family Services Act.

21 (3) The wardship of the minor and any custodianship or  
22 guardianship respecting the minor for whom a petition was filed  
23 after the effective date of this amendatory Act of 1991  
24 automatically terminates when he attains the age of 19 years  
25 except as set forth in subsection (1) of this Section. The  
26 clerk of the court shall at that time record all proceedings

1 under this Act as finally closed and discharged for that  
2 reason. The provisions of this subsection (3) become  
3 inoperative on and after the effective date of this amendatory  
4 Act of the 101st General Assembly.

5 (4) Notwithstanding any provision of law to the contrary,  
6 the changes made by this amendatory Act of the 101st General  
7 Assembly apply to all cases that are pending on or after the  
8 effective date of this amendatory Act of the 101st General  
9 Assembly.

10 (Source: P.A. 100-680, eff. 1-1-19.)

11 (705 ILCS 405/2-33)

12 Sec. 2-33. Supplemental petition to reinstate wardship.

13 (1) Any time prior to a minor's 18th birthday, pursuant to  
14 a supplemental petition filed under this Section, the court may  
15 reinstate wardship and open a previously closed case when:

16 (a) wardship and guardianship under the Juvenile Court  
17 Act of 1987 was vacated in conjunction with the appointment  
18 of a private guardian under the Probate Act of 1975;

19 (b) the minor is not presently a ward of the court  
20 under Article II of this Act nor is there a petition for  
21 adjudication of wardship pending on behalf of the minor;  
22 and

23 (c) it is in the minor's best interest that wardship be  
24 reinstated.

25 (2) Any time prior to a minor's 21st birthday, pursuant to

1 a supplemental petition filed under this Section, the court may  
2 reinstate wardship and open a previously closed case when:

3 (a) wardship and guardianship under this Act was  
4 vacated pursuant to:

5 (i) an order entered under subsection (2) of  
6 Section 2-31 in the case of a minor over the age of 18;

7 (ii) closure of a case under subsection (2) of  
8 Section 2-31 in the case of a minor under the age of 18  
9 who has been partially or completely emancipated in  
10 accordance with the Emancipation of Minors Act; or

11 (iii) an order entered under subsection (3) of  
12 Section 2-31 based on the minor's attaining the age of  
13 19 years before the effective date of this amendatory  
14 Act of the 101st General Assembly;

15 (b) the minor is not presently a ward of the court  
16 under Article II of this Act nor is there a petition for  
17 adjudication of wardship pending on behalf of the minor;  
18 and

19 (c) it is in the minor's best interest that wardship be  
20 reinstated.

21 (3) The supplemental petition must be filed in the same  
22 proceeding in which the original adjudication order was  
23 entered. Unless excused by court for good cause shown, the  
24 petitioner shall give notice of the time and place of the  
25 hearing on the supplemental petition, in person or by mail, to  
26 the minor, if the minor is 14 years of age or older, and to the



1 parties to the juvenile court proceeding. Notice shall be  
2 provided at least 3 court days in advance of the hearing date.

3 (4) A minor who is the subject of a petition to reinstate  
4 wardship under this Section shall be provided with  
5 representation in accordance with Sections 1-5 and 2-17 of this  
6 Act.

7 (5) Whenever a minor is committed to the Department of  
8 Children and Family Services for care and services following  
9 the reinstatement of wardship under this Section, the  
10 Department shall:

11 (a) Within 30 days of such commitment, prepare and file  
12 with the court a case plan which complies with the federal  
13 Adoption Assistance and Child Welfare Act of 1980 and is  
14 consistent with the health, safety and best interests of  
15 the minor; and

16 (b) Promptly refer the minor for such services as are  
17 necessary and consistent with the minor's health, safety  
18 and best interests.

19 (Source: P.A. 96-581, eff. 1-1-10.)

20 (705 ILCS 405/5-711 new)

21 Sec. 5-711. Family Support Program services; hearing.

22 (a) Any minor who is placed in the guardianship of the  
23 Department of Children and Family Services under Section 5-710  
24 while an application for the Family Support Program was pending  
25 with the Department of Healthcare and Family Services or an

1 active application was being reviewed by the Department of  
2 Healthcare and Family Services shall continue to be considered  
3 eligible for services if all other eligibility criteria are  
4 met.

5 (b) The court shall conduct a hearing within 14 days upon  
6 notification to all parties that an application for the Family  
7 Support Program services has been approved and services are  
8 available. At the hearing, the court shall determine whether to  
9 vacate guardianship of the Department of Children and Family  
10 Services and return the minor to the custody of the parent or  
11 guardian with Family Support Program services or whether the  
12 minor shall continue in the guardianship of the Department of  
13 Children and Family Services and decline the Family Support  
14 Program services. In making its determination, the court shall  
15 consider the minor's best interest, the involvement of the  
16 parent or guardian in proceedings under this Act, the  
17 involvement of the parent or guardian in the minor's treatment,  
18 the relationship between the minor and the parent or guardian,  
19 and any other factor the court deems relevant. If the court  
20 vacates the guardianship of the Department of Children and  
21 Family Services and returns the minor to the custody of the  
22 parent or guardian with Family Support Services, the Department  
23 of Healthcare and Family Services shall become financially  
24 responsible for providing services to the minor. If the court  
25 determines that the minor shall continue in the custody of the  
26 Department of Children and Family Services, the Department of

1 Children and Family Services shall remain financially  
2 responsible for providing services to the minor, the Family  
3 Support Services shall be declined, and the minor shall no  
4 longer be eligible for Family Support Services.

5 (c) This Section does not apply to a minor:

6 (1) for whom a petition has been filed under this Act  
7 alleging that he or she is an abused or neglected minor;

8 (2) for whom the court has made a finding that he or  
9 she is an abused or neglected minor under this Act except a  
10 finding under item (iv) of paragraph (a) of subsection (1)  
11 of Section 5-710 that an independent basis of abuse,  
12 neglect, or dependency exists; or

13 (3) who has been the subject of an indicated allegation  
14 of abuse or neglect by the Department of Children and  
15 Family Services, other than for psychiatric lock-out, in  
16 which the parent or guardian was the perpetrator within 5  
17 years of the filing of the pending petition.

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