



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3533

Introduced 2/14/2020, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

| | |
|-------------------|--------------------------|
| 705 ILCS 405/2-10 | from Ch. 37, par. 802-10 |
| 705 ILCS 405/2-23 | from Ch. 37, par. 802-23 |
| 705 ILCS 405/2-28 | from Ch. 37, par. 802-28 |
| 705 ILCS 405/2-33 | |

Amends the Abused, Neglected, or Dependent Minors Article of the Juvenile Court Act of 1987. Provides that if the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and there is not an Interstate Compact in place, the court may order the Department of Children and Family Services to arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision. Provides that if a motion is filed to modify or vacate a private guardianship order and return the child to a parent, guardian, or legal custodian, the court may order the Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the motion to assist the court in making that determination. Provides that whenever a petition is filed to reinstate wardship, prior to granting the petition, the court may order the Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the petition to assist the court in making that determination. Effective immediately.

LRB101 20287 RLC 69829 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 2-10, 2-23, 2-28, and 2-33 as follows:

6 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

7 Sec. 2-10. Temporary custody hearing. At the appearance of
8 the minor before the court at the temporary custody hearing,
9 all witnesses present shall be examined before the court in
10 relation to any matter connected with the allegations made in
11 the petition.

12 (1) If the court finds that there is not probable cause to
13 believe that the minor is abused, neglected or dependent it
14 shall release the minor and dismiss the petition.

15 (2) If the court finds that there is probable cause to
16 believe that the minor is abused, neglected or dependent, the
17 court shall state in writing the factual basis supporting its
18 finding and the minor, his or her parent, guardian, custodian
19 and other persons able to give relevant testimony shall be
20 examined before the court. The Department of Children and
21 Family Services shall give testimony concerning indicated
22 reports of abuse and neglect, of which they are aware through
23 the central registry, involving the minor's parent, guardian or

1 custodian. After such testimony, the court may, consistent with
2 the health, safety and best interests of the minor, enter an
3 order that the minor shall be released upon the request of
4 parent, guardian or custodian if the parent, guardian or
5 custodian appears to take custody. If it is determined that a
6 parent's, guardian's, or custodian's compliance with critical
7 services mitigates the necessity for removal of the minor from
8 his or her home, the court may enter an Order of Protection
9 setting forth reasonable conditions of behavior that a parent,
10 guardian, or custodian must observe for a specified period of
11 time, not to exceed 12 months, without a violation; provided,
12 however, that the 12-month period shall begin anew after any
13 violation. "Custodian" includes the Department of Children and
14 Family Services, if it has been given custody of the child, or
15 any other agency of the State which has been given custody or
16 wardship of the child. If it is consistent with the health,
17 safety and best interests of the minor, the court may also
18 prescribe shelter care and order that the minor be kept in a
19 suitable place designated by the court or in a shelter care
20 facility designated by the Department of Children and Family
21 Services or a licensed child welfare agency; however, on and
22 after January 1, 2015 (the effective date of Public Act 98-803)
23 and before January 1, 2017, a minor charged with a criminal
24 offense under the Criminal Code of 1961 or the Criminal Code of
25 2012 or adjudicated delinquent shall not be placed in the
26 custody of or committed to the Department of Children and

1 Family Services by any court, except a minor less than 16 years
2 of age and committed to the Department of Children and Family
3 Services under Section 5-710 of this Act or a minor for whom an
4 independent basis of abuse, neglect, or dependency exists; and
5 on and after January 1, 2017, a minor charged with a criminal
6 offense under the Criminal Code of 1961 or the Criminal Code of
7 2012 or adjudicated delinquent shall not be placed in the
8 custody of or committed to the Department of Children and
9 Family Services by any court, except a minor less than 15 years
10 of age and committed to the Department of Children and Family
11 Services under Section 5-710 of this Act or a minor for whom an
12 independent basis of abuse, neglect, or dependency exists. An
13 independent basis exists when the allegations or adjudication
14 of abuse, neglect, or dependency do not arise from the same
15 facts, incident, or circumstances which give rise to a charge
16 or adjudication of delinquency.

17 In placing the minor, the Department or other agency shall,
18 to the extent compatible with the court's order, comply with
19 Section 7 of the Children and Family Services Act. In
20 determining the health, safety and best interests of the minor
21 to prescribe shelter care, the court must find that it is a
22 matter of immediate and urgent necessity for the safety and
23 protection of the minor or of the person or property of another
24 that the minor be placed in a shelter care facility or that he
25 or she is likely to flee the jurisdiction of the court, and
26 must further find that reasonable efforts have been made or

1 that, consistent with the health, safety and best interests of
2 the minor, no efforts reasonably can be made to prevent or
3 eliminate the necessity of removal of the minor from his or her
4 home. The court shall require documentation from the Department
5 of Children and Family Services as to the reasonable efforts
6 that were made to prevent or eliminate the necessity of removal
7 of the minor from his or her home or the reasons why no efforts
8 reasonably could be made to prevent or eliminate the necessity
9 of removal. When a minor is placed in the home of a relative,
10 the Department of Children and Family Services shall complete a
11 preliminary background review of the members of the minor's
12 custodian's household in accordance with Section 4.3 of the
13 Child Care Act of 1969 within 90 days of that placement. If the
14 minor is ordered placed in a shelter care facility of the
15 Department of Children and Family Services or a licensed child
16 welfare agency, the court shall, upon request of the
17 appropriate Department or other agency, appoint the Department
18 of Children and Family Services Guardianship Administrator or
19 other appropriate agency executive temporary custodian of the
20 minor and the court may enter such other orders related to the
21 temporary custody as it deems fit and proper, including the
22 provision of services to the minor or his family to ameliorate
23 the causes contributing to the finding of probable cause or to
24 the finding of the existence of immediate and urgent necessity.

25 Where the Department of Children and Family Services
26 Guardianship Administrator is appointed as the executive

1 temporary custodian, the Department of Children and Family
2 Services shall file with the court and serve on the parties a
3 parent-child visiting plan, within 10 days, excluding weekends
4 and holidays, after the appointment. The parent-child visiting
5 plan shall set out the time and place of visits, the frequency
6 of visits, the length of visits, who shall be present at the
7 visits, and where appropriate, the minor's opportunities to
8 have telephone and mail communication with the parents.

9 Where the Department of Children and Family Services
10 Guardianship Administrator is appointed as the executive
11 temporary custodian, and when the child has siblings in care,
12 the Department of Children and Family Services shall file with
13 the court and serve on the parties a sibling placement and
14 contact plan within 10 days, excluding weekends and holidays,
15 after the appointment. The sibling placement and contact plan
16 shall set forth whether the siblings are placed together, and
17 if they are not placed together, what, if any, efforts are
18 being made to place them together. If the Department has
19 determined that it is not in a child's best interest to be
20 placed with a sibling, the Department shall document in the
21 sibling placement and contact plan the basis for its
22 determination. For siblings placed separately, the sibling
23 placement and contact plan shall set the time and place for
24 visits, the frequency of the visits, the length of visits, who
25 shall be present for the visits, and where appropriate, the
26 child's opportunities to have contact with their siblings in

1 addition to in person contact. If the Department determines it
2 is not in the best interest of a sibling to have contact with a
3 sibling, the Department shall document in the sibling placement
4 and contact plan the basis for its determination. The sibling
5 placement and contact plan shall specify a date for development
6 of the Sibling Contact Support Plan, under subsection (f) of
7 Section 7.4 of the Children and Family Services Act, and shall
8 remain in effect until the Sibling Contact Support Plan is
9 developed.

10 For good cause, the court may waive the requirement to file
11 the parent-child visiting plan or the sibling placement and
12 contact plan, or extend the time for filing either plan. Any
13 party may, by motion, request the court to review the
14 parent-child visiting plan to determine whether it is
15 reasonably calculated to expeditiously facilitate the
16 achievement of the permanency goal. A party may, by motion,
17 request the court to review the parent-child visiting plan or
18 the sibling placement and contact plan to determine whether it
19 is consistent with the minor's best interest. The court may
20 refer the parties to mediation where available. The frequency,
21 duration, and locations of visitation shall be measured by the
22 needs of the child and family, and not by the convenience of
23 Department personnel. Child development principles shall be
24 considered by the court in its analysis of how frequent
25 visitation should be, how long it should last, where it should
26 take place, and who should be present. If upon motion of the

1 party to review either plan and after receiving evidence, the
2 court determines that the parent-child visiting plan is not
3 reasonably calculated to expeditiously facilitate the
4 achievement of the permanency goal or that the restrictions
5 placed on parent-child contact or sibling placement or contact
6 are contrary to the child's best interests, the court shall put
7 in writing the factual basis supporting the determination and
8 enter specific findings based on the evidence. The court shall
9 enter an order for the Department to implement changes to the
10 parent-child visiting plan or sibling placement or contact
11 plan, consistent with the court's findings. At any stage of
12 proceeding, any party may by motion request the court to enter
13 any orders necessary to implement the parent-child visiting
14 plan, sibling placement or contact plan or subsequently
15 developed Sibling Contact Support Plan. Nothing under this
16 subsection (2) shall restrict the court from granting
17 discretionary authority to the Department to increase
18 opportunities for additional parent-child contacts or sibling
19 contacts, without further court orders. Nothing in this
20 subsection (2) shall restrict the Department from immediately
21 restricting or terminating parent-child contact or sibling
22 contacts, without either amending the parent-child visiting
23 plan or the sibling contact plan or obtaining a court order,
24 where the Department or its assigns reasonably believe that
25 continuation of the contact, as set out in the plan, would be
26 contrary to the child's health, safety, and welfare. The

1 Department shall file with the court and serve on the parties
2 any amendments to the plan within 10 days, excluding weekends
3 and holidays, of the change of the visitation.

4 Acceptance of services shall not be considered an admission
5 of any allegation in a petition made pursuant to this Act, nor
6 may a referral of services be considered as evidence in any
7 proceeding pursuant to this Act, except where the issue is
8 whether the Department has made reasonable efforts to reunite
9 the family. In making its findings that it is consistent with
10 the health, safety and best interests of the minor to prescribe
11 shelter care, the court shall state in writing (i) the factual
12 basis supporting its findings concerning the immediate and
13 urgent necessity for the protection of the minor or of the
14 person or property of another and (ii) the factual basis
15 supporting its findings that reasonable efforts were made to
16 prevent or eliminate the removal of the minor from his or her
17 home or that no efforts reasonably could be made to prevent or
18 eliminate the removal of the minor from his or her home. The
19 parents, guardian, custodian, temporary custodian and minor
20 shall each be furnished a copy of such written findings. The
21 temporary custodian shall maintain a copy of the court order
22 and written findings in the case record for the child. The
23 order together with the court's findings of fact in support
24 thereof shall be entered of record in the court.

25 Once the court finds that it is a matter of immediate and
26 urgent necessity for the protection of the minor that the minor

1 be placed in a shelter care facility, the minor shall not be
2 returned to the parent, custodian or guardian until the court
3 finds that such placement is no longer necessary for the
4 protection of the minor.

5 If the child is placed in the temporary custody of the
6 Department of Children and Family Services for his or her
7 protection, the court shall admonish the parents, guardian,
8 custodian or responsible relative that the parents must
9 cooperate with the Department of Children and Family Services,
10 comply with the terms of the service plans, and correct the
11 conditions which require the child to be in care, or risk
12 termination of their parental rights. The court shall ensure,
13 by inquiring in open court of each parent, guardian, custodian
14 or responsible relative, that the parent, guardian, custodian
15 or responsible relative has had the opportunity to provide the
16 Department with all known names, addresses, and telephone
17 numbers of each of the minor's living maternal and paternal
18 adult relatives, including, but not limited to, grandparents,
19 aunts, uncles, and siblings. The court shall advise the
20 parents, guardian, custodian or responsible relative to inform
21 the Department if additional information regarding the minor's
22 adult relatives becomes available.

23 (3) If prior to the shelter care hearing for a minor
24 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
25 unable to serve notice on the party respondent, the shelter
26 care hearing may proceed ex parte. A shelter care order from an

1 ex parte hearing shall be endorsed with the date and hour of
 2 issuance and shall be filed with the clerk's office and entered
 3 of record. The order shall expire after 10 days from the time
 4 it is issued unless before its expiration it is renewed, at a
 5 hearing upon appearance of the party respondent, or upon an
 6 affidavit of the moving party as to all diligent efforts to
 7 notify the party respondent by notice as herein prescribed. The
 8 notice prescribed shall be in writing and shall be personally
 9 delivered to the minor or the minor's attorney and to the last
 10 known address of the other person or persons entitled to
 11 notice. The notice shall also state the nature of the
 12 allegations, the nature of the order sought by the State,
 13 including whether temporary custody is sought, and the
 14 consequences of failure to appear and shall contain a notice
 15 that the parties will not be entitled to further written
 16 notices or publication notices of proceedings in this case,
 17 including the filing of an amended petition or a motion to
 18 terminate parental rights, except as required by Supreme Court
 19 Rule 11; and shall explain the right of the parties and the
 20 procedures to vacate or modify a shelter care order as provided
 21 in this Section. The notice for a shelter care hearing shall be
 22 substantially as follows:

23 NOTICE TO PARENTS AND CHILDREN
 24 OF SHELTER CARE HEARING

25 On at, before the Honorable
 26, (address:), the State

1 of Illinois will present evidence (1) that (name of child
 2 or children) are abused, neglected
 3 or dependent for the following reasons:

4 and (2)
 5 whether there is "immediate and urgent necessity" to remove
 6 the child or children from the responsible relative.

7 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 8 PLACEMENT of the child or children in foster care until a
 9 trial can be held. A trial may not be held for up to 90
 10 days. You will not be entitled to further notices of
 11 proceedings in this case, including the filing of an
 12 amended petition or a motion to terminate parental rights.

13 At the shelter care hearing, parents have the following
 14 rights:

15 1. To ask the court to appoint a lawyer if they
 16 cannot afford one.

17 2. To ask the court to continue the hearing to
 18 allow them time to prepare.

19 3. To present evidence concerning:

20 a. Whether or not the child or children were
 21 abused, neglected or dependent.

22 b. Whether or not there is "immediate and
 23 urgent necessity" to remove the child from home
 24 (including: their ability to care for the child,
 25 conditions in the home, alternative means of
 26 protecting the child other than removal).

1 c. The best interests of the child.

2 4. To cross examine the State's witnesses.

3 The Notice for rehearings shall be substantially as
4 follows:

5 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
6 TO REHEARING ON TEMPORARY CUSTODY

7 If you were not present at and did not have adequate
8 notice of the Shelter Care Hearing at which temporary
9 custody of was awarded to
10, you have the right to request a full
11 rehearing on whether the State should have temporary
12 custody of To request this rehearing,
13 you must file with the Clerk of the Juvenile Court
14 (address):, in person or by
15 mailing a statement (affidavit) setting forth the
16 following:

17 1. That you were not present at the shelter care
18 hearing.

19 2. That you did not get adequate notice (explaining
20 how the notice was inadequate).

21 3. Your signature.

22 4. Signature must be notarized.

23 The rehearing should be scheduled within 48 hours of
24 your filing this affidavit.

25 At the rehearing, your rights are the same as at the

1 initial shelter care hearing. The enclosed notice explains
2 those rights.

3 At the Shelter Care Hearing, children have the
4 following rights:

5 1. To have a guardian ad litem appointed.

6 2. To be declared competent as a witness and to
7 present testimony concerning:

8 a. Whether they are abused, neglected or
9 dependent.

10 b. Whether there is "immediate and urgent
11 necessity" to be removed from home.

12 c. Their best interests.

13 3. To cross examine witnesses for other parties.

14 4. To obtain an explanation of any proceedings and
15 orders of the court.

16 (4) If the parent, guardian, legal custodian, responsible
17 relative, minor age 8 or over, or counsel of the minor did not
18 have actual notice of or was not present at the shelter care
19 hearing, he or she may file an affidavit setting forth these
20 facts, and the clerk shall set the matter for rehearing not
21 later than 48 hours, excluding Sundays and legal holidays,
22 after the filing of the affidavit. At the rehearing, the court
23 shall proceed in the same manner as upon the original hearing.

24 (5) Only when there is reasonable cause to believe that the
25 minor taken into custody is a person described in subsection
26 (3) of Section 5-105 may the minor be kept or detained in a

1 detention home or county or municipal jail. This Section shall
2 in no way be construed to limit subsection (6).

3 (6) No minor under 16 years of age may be confined in a
4 jail or place ordinarily used for the confinement of prisoners
5 in a police station. Minors under 18 years of age must be kept
6 separate from confined adults and may not at any time be kept
7 in the same cell, room, or yard with adults confined pursuant
8 to the criminal law.

9 (7) If the minor is not brought before a judicial officer
10 within the time period as specified in Section 2-9, the minor
11 must immediately be released from custody.

12 (8) If neither the parent, guardian or custodian appears
13 within 24 hours to take custody of a minor released upon
14 request pursuant to subsection (2) of this Section, then the
15 clerk of the court shall set the matter for rehearing not later
16 than 7 days after the original order and shall issue a summons
17 directed to the parent, guardian or custodian to appear. At the
18 same time the probation department shall prepare a report on
19 the minor. If a parent, guardian or custodian does not appear
20 at such rehearing, the judge may enter an order prescribing
21 that the minor be kept in a suitable place designated by the
22 Department of Children and Family Services or a licensed child
23 welfare agency.

24 (9) Notwithstanding any other provision of this Section any
25 interested party, including the State, the temporary
26 custodian, an agency providing services to the minor or family

1 under a service plan pursuant to Section 8.2 of the Abused and
2 Neglected Child Reporting Act, foster parent, or any of their
3 representatives, on notice to all parties entitled to notice,
4 may file a motion that it is in the best interests of the minor
5 to modify or vacate a temporary custody order on any of the
6 following grounds:

7 (a) It is no longer a matter of immediate and urgent
8 necessity that the minor remain in shelter care; or

9 (b) There is a material change in the circumstances of
10 the natural family from which the minor was removed and the
11 child can be cared for at home without endangering the
12 child's health or safety; or

13 (c) A person not a party to the alleged abuse, neglect
14 or dependency, including a parent, relative or legal
15 guardian, is capable of assuming temporary custody of the
16 minor; or

17 (d) Services provided by the Department of Children and
18 Family Services or a child welfare agency or other service
19 provider have been successful in eliminating the need for
20 temporary custody and the child can be cared for at home
21 without endangering the child's health or safety.

22 In ruling on the motion, the court shall determine whether
23 it is consistent with the health, safety and best interests of
24 the minor to modify or vacate a temporary custody order. If the
25 minor is being restored to the custody of a parent, legal
26 custodian, or guardian who lives outside of Illinois, and there

1 is not an Interstate Compact in place, the court may order the
2 Department of Children and Family Services to arrange for an
3 assessment of the minor's proposed living arrangement and for
4 ongoing monitoring of the health, safety, and best interest of
5 the minor and compliance with any order of protective
6 supervision entered in accordance with Section 2-20 or 2-25.

7 The clerk shall set the matter for hearing not later than
8 14 days after such motion is filed. In the event that the court
9 modifies or vacates a temporary custody order but does not
10 vacate its finding of probable cause, the court may order that
11 appropriate services be continued or initiated in behalf of the
12 minor and his or her family.

13 (10) When the court finds or has found that there is
14 probable cause to believe a minor is an abused minor as
15 described in subsection (2) of Section 2-3 and that there is an
16 immediate and urgent necessity for the abused minor to be
17 placed in shelter care, immediate and urgent necessity shall be
18 presumed for any other minor residing in the same household as
19 the abused minor provided:

20 (a) Such other minor is the subject of an abuse or
21 neglect petition pending before the court; and

22 (b) A party to the petition is seeking shelter care for
23 such other minor.

24 Once the presumption of immediate and urgent necessity has
25 been raised, the burden of demonstrating the lack of immediate
26 and urgent necessity shall be on any party that is opposing

1 shelter care for the other minor.

2 (11) The changes made to this Section by Public Act 98-61
3 apply to a minor who has been arrested or taken into custody on
4 or after January 1, 2014 (the effective date of Public Act
5 98-61).

6 (12) After the court has placed a minor in the care of a
7 temporary custodian pursuant to this Section, any party may
8 file a motion requesting the court to grant the temporary
9 custodian the authority to serve as a surrogate decision maker
10 for the minor under the Health Care Surrogate Act for purposes
11 of making decisions pursuant to paragraph (1) of subsection (b)
12 of Section 20 of the Health Care Surrogate Act. The court may
13 grant the motion if it determines by clear and convincing
14 evidence that it is in the best interests of the minor to grant
15 the temporary custodian such authority. In making its
16 determination, the court shall weigh the following factors in
17 addition to considering the best interests factors listed in
18 subsection (4.05) of Section 1-3 of this Act:

19 (a) the efforts to identify and locate the respondents
20 and adult family members of the minor and the results of
21 those efforts;

22 (b) the efforts to engage the respondents and adult
23 family members of the minor in decision making on behalf of
24 the minor;

25 (c) the length of time the efforts in paragraphs (a)
26 and (b) have been ongoing;

1 (d) the relationship between the respondents and adult
2 family members and the minor;

3 (e) medical testimony regarding the extent to which the
4 minor is suffering and the impact of a delay in
5 decision-making on the minor; and

6 (f) any other factor the court deems relevant.

7 If the Department of Children and Family Services is the
8 temporary custodian of the minor, in addition to the
9 requirements of paragraph (1) of subsection (b) of Section 20
10 of the Health Care Surrogate Act, the Department shall follow
11 its rules and procedures in exercising authority granted under
12 this subsection.

13 (Source: P.A. 99-625, eff. 1-1-17; 99-642, eff. 7-28-16;
14 100-159, eff. 8-18-17; 100-863, eff. 8-14-18; 100-959, eff.
15 1-1-19.)

16 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

20 (a) A minor found to be neglected or abused under
21 Section 2-3 or dependent under Section 2-4 may be (1)
22 continued in the custody of his or her parents, guardian or
23 legal custodian; (2) placed in accordance with Section
24 2-27; (3) restored to the custody of the parent, parents,
25 guardian, or legal custodian, provided the court shall

1 order the parent, parents, guardian, or legal custodian to
2 cooperate with the Department of Children and Family
3 Services and comply with the terms of an after-care plan or
4 risk the loss of custody of the child and the possible
5 termination of their parental rights; or (4) ordered
6 partially or completely emancipated in accordance with the
7 provisions of the Emancipation of Minors Act.

8 If the minor is being restored to the custody of a
9 parent, legal custodian, or guardian who lives outside of
10 Illinois, and there is not an Interstate Compact in place,
11 the court may order the Department of Children and Family
12 Services to arrange for an assessment of the minor's
13 proposed living arrangement and for ongoing monitoring of
14 the health, safety, and best interest of the minor and
15 compliance with any order of protective supervision
16 entered in accordance with Section 2-24.

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

1 safety, and the court enters an order that such parent,
2 guardian or legal custodian is fit to care for the minor.

3 (b) A minor found to be dependent under Section 2-4 may
4 be (1) placed in accordance with Section 2-27 or (2)
5 ordered partially or completely emancipated in accordance
6 with the provisions of the Emancipation of Minors Act.

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

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

1 and commit the minor to the Department of Children and
2 Family Services for care and service, or (3) the court
3 returned the minor to the custody of the respondent under
4 Section 2-4b of this Act without terminating the
5 proceedings under Section 2-31 of this Act, and
6 subsequently made a finding that it is in the minor's best
7 interest to commit the minor to the Department of Children
8 and Family Services for care and services.

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

16 (2) Any order of disposition may provide for protective
17 supervision under Section 2-24 and may include an order of
18 protection under Section 2-25.

19 Unless the order of disposition expressly so provides, it
20 does not operate to close proceedings on the pending petition,
21 but is subject to modification, not inconsistent with Section
22 2-28, until final closing and discharge of the proceedings
23 under Section 2-31.

24 (3) The court also shall enter any other orders necessary
25 to fulfill the service plan, including, but not limited to, (i)
26 orders requiring parties to cooperate with services, (ii)

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

1 the new service plan is filed. Except as authorized by
2 subsection (3.5) of this Section or authorized by law, the
3 court is not empowered under this Section to order specific
4 placements, specific services, or specific service providers
5 to be included in the service plan.

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

1 case the Department shall notify the parties of the placement
2 change in writing immediately following the implementation of
3 its decision. The Department shall notify others of the
4 decision to change the minor's placement as required by
5 Department rule.

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

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

23 (6) Whenever the order of disposition requires the minor to
24 attend school or participate in a program of training, the
25 truant officer or designated school official shall regularly
26 report to the court if the minor is a chronic or habitual

1 truuant under Section 26-2a of the School Code.

2 (7) The court may terminate the parental rights of a parent
3 at the initial dispositional hearing if all of the conditions
4 in subsection (5) of Section 2-21 are met.

5 (Source: P.A. 100-45, eff. 8-11-17; 100-978, eff. 8-19-18;
6 101-79, eff. 7-12-19.)

7 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

8 Sec. 2-28. Court review.

9 (1) The court may require any legal custodian or guardian
10 of the person appointed under this Act to report periodically
11 to the court or may cite him into court and require him or his
12 agency, to make a full and accurate report of his or its doings
13 in behalf of the minor. The custodian or guardian, within 10
14 days after such citation, or earlier if the court determines it
15 to be necessary to protect the health, safety, or welfare of
16 the minor, shall make the report, either in writing verified by
17 affidavit or orally under oath in open court, or otherwise as
18 the court directs. Upon the hearing of the report the court may
19 remove the custodian or guardian and appoint another in his
20 stead or restore the minor to the custody of his parents or
21 former guardian or custodian. However, custody of the minor
22 shall not be restored to any parent, guardian or legal
23 custodian in any case in which the minor is found to be
24 neglected or abused under Section 2-3 or dependent under
25 Section 2-4 of this Act, unless the minor can be cared for at

1 home without endangering the minor's health or safety and it is
2 in the best interests of the minor, and if such neglect, abuse,
3 or dependency is found by the court under paragraph (1) of
4 Section 2-21 of this Act to have come about due to the acts or
5 omissions or both of such parent, guardian or legal custodian,
6 until such time as an investigation is made as provided in
7 paragraph (5) and a hearing is held on the issue of the fitness
8 of such parent, guardian or legal custodian to care for the
9 minor and the court enters an order that such parent, guardian
10 or legal custodian is fit to care for the minor.

11 (1.5) The public agency that is the custodian or guardian
12 of the minor shall file a written report with the court no
13 later than 15 days after a minor in the agency's care remains:

14 (1) in a shelter placement beyond 30 days;

15 (2) in a psychiatric hospital past the time when the
16 minor is clinically ready for discharge or beyond medical
17 necessity for the minor's health; or

18 (3) in a detention center or Department of Juvenile
19 Justice facility solely because the public agency cannot
20 find an appropriate placement for the minor.

21 The report shall explain the steps the agency is taking to
22 ensure the minor is placed appropriately, how the minor's needs
23 are being met in the minor's shelter placement, and if a future
24 placement has been identified by the Department, why the
25 anticipated placement is appropriate for the needs of the minor
26 and the anticipated placement date.

1 (1.6) Within 35 days after placing a child in its care in a
2 qualified residential treatment program, as defined by the
3 federal Social Security Act, the Department of Children and
4 Family Services shall file a written report with the court and
5 send copies of the report to all parties. Within 20 days of the
6 filing of the report, the court shall hold a hearing to
7 consider the Department's report and determine whether
8 placement of the child in a qualified residential treatment
9 program provides the most effective and appropriate level of
10 care for the child in the least restrictive environment and if
11 the placement is consistent with the short-term and long-term
12 goals for the child, as specified in the permanency plan for
13 the child. The court shall approve or disapprove the placement.
14 If applicable, the requirements of Sections 2-27.1 and 2-27.2
15 must also be met. The Department's written report and the
16 court's written determination shall be included in and made
17 part of the case plan for the child. If the child remains
18 placed in a qualified residential treatment program, the
19 Department shall submit evidence at each status and permanency
20 hearing:

21 (1) demonstrating that on-going assessment of the
22 strengths and needs of the child continues to support the
23 determination that the child's needs cannot be met through
24 placement in a foster family home, that the placement
25 provides the most effective and appropriate level of care
26 for the child in the least restrictive, appropriate

1 environment, and that the placement is consistent with the
2 short-term and long-term permanency goal for the child, as
3 specified in the permanency plan for the child;

4 (2) documenting the specific treatment or service
5 needs that should be met for the child in the placement and
6 the length of time the child is expected to need the
7 treatment or services; and

8 (3) the efforts made by the agency to prepare the child
9 to return home or to be placed with a fit and willing
10 relative, a legal guardian, or an adoptive parent, or in a
11 foster family home.

12 (2) The first permanency hearing shall be conducted by the
13 judge. Subsequent permanency hearings may be heard by a judge
14 or by hearing officers appointed or approved by the court in
15 the manner set forth in Section 2-28.1 of this Act. The initial
16 hearing shall be held (a) within 12 months from the date
17 temporary custody was taken, regardless of whether an
18 adjudication or dispositional hearing has been completed
19 within that time frame, (b) if the parental rights of both
20 parents have been terminated in accordance with the procedure
21 described in subsection (5) of Section 2-21, within 30 days of
22 the order for termination of parental rights and appointment of
23 a guardian with power to consent to adoption, or (c) in
24 accordance with subsection (2) of Section 2-13.1. Subsequent
25 permanency hearings shall be held every 6 months or more
26 frequently if necessary in the court's determination following

1 the initial permanency hearing, in accordance with the
2 standards set forth in this Section, until the court determines
3 that the plan and goal have been achieved. Once the plan and
4 goal have been achieved, if the minor remains in substitute
5 care, the case shall be reviewed at least every 6 months
6 thereafter, subject to the provisions of this Section, unless
7 the minor is placed in the guardianship of a suitable relative
8 or other person and the court determines that further
9 monitoring by the court does not further the health, safety or
10 best interest of the child and that this is a stable permanent
11 placement. The permanency hearings must occur within the time
12 frames set forth in this subsection and may not be delayed in
13 anticipation of a report from any source or due to the agency's
14 failure to timely file its written report (this written report
15 means the one required under the next paragraph and does not
16 mean the service plan also referred to in that paragraph).

17 The public agency that is the custodian or guardian of the
18 minor, or another agency responsible for the minor's care,
19 shall ensure that all parties to the permanency hearings are
20 provided a copy of the most recent service plan prepared within
21 the prior 6 months at least 14 days in advance of the hearing.
22 If not contained in the agency's service plan, the agency shall
23 also include a report setting forth (i) any special physical,
24 psychological, educational, medical, emotional, or other needs
25 of the minor or his or her family that are relevant to a
26 permanency or placement determination and (ii) for any minor

1 age 16 or over, a written description of the programs and
2 services that will enable the minor to prepare for independent
3 living. If not contained in the agency's service plan, the
4 agency's report shall specify if a minor is placed in a
5 licensed child care facility under a corrective plan by the
6 Department due to concerns impacting the minor's safety and
7 well-being. The report shall explain the steps the Department
8 is taking to ensure the safety and well-being of the minor and
9 that the minor's needs are met in the facility. The agency's
10 written report must detail what progress or lack of progress
11 the parent has made in correcting the conditions requiring the
12 child to be in care; whether the child can be returned home
13 without jeopardizing the child's health, safety, and welfare,
14 and if not, what permanency goal is recommended to be in the
15 best interests of the child, and why the other permanency goals
16 are not appropriate. The caseworker must appear and testify at
17 the permanency hearing. If a permanency hearing has not
18 previously been scheduled by the court, the moving party shall
19 move for the setting of a permanency hearing and the entry of
20 an order within the time frames set forth in this subsection.

21 At the permanency hearing, the court shall determine the
22 future status of the child. The court shall set one of the
23 following permanency goals:

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

26 (B) The minor will be in short-term care with a

1 continued goal to return home within a period not to exceed
2 one year, where the progress of the parent or parents is
3 substantial giving particular consideration to the age and
4 individual needs of the minor.

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

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

18 (D) Adoption, provided that parental rights have been
19 terminated or relinquished.

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

23 (F) The minor over age 15 will be in substitute care
24 pending independence. In selecting this permanency goal,
25 the Department of Children and Family Services may provide
26 services to enable reunification and to strengthen the

1 minor's connections with family, fictive kin, and other
2 responsible adults, provided the services are in the
3 minor's best interest. The services shall be documented in
4 the service plan.

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

10 In selecting any permanency goal, the court shall indicate
11 in writing the reasons the goal was selected and why the
12 preceding goals were ruled out. Where the court has selected a
13 permanency goal other than (A), (B), or (B-1), the Department
14 of Children and Family Services shall not provide further
15 reunification services, except as provided in paragraph (F) of
16 this subsection (2), but shall provide services consistent with
17 the goal selected.

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

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

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

25 (3) The court has found compelling reasons, based
26 on written documentation reviewed by the court, to

1 place the minor in continuing foster care. Compelling
2 reasons include:

3 (a) the child does not wish to be adopted or to
4 be placed in the guardianship of his or her
5 relative or foster care placement;

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

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

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

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

24 The court shall set a permanency goal that is in the best
25 interest of the child. In determining that goal, the court
26 shall consult with the minor in an age-appropriate manner

1 regarding the proposed permanency or transition plan for the
2 minor. The court's determination shall include the following
3 factors:

4 (1) Age of the child.

5 (2) Options available for permanence, including both
6 out-of-state and in-state placement options.

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

9 (4) Emotional, physical, and mental status or
10 condition of the child.

11 (5) Types of services previously offered and whether or
12 not the services were successful and, if not successful,
13 the reasons the services failed.

14 (6) Availability of services currently needed and
15 whether the services exist.

16 (7) Status of siblings of the minor.

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

26 The court shall make findings as to whether, in violation

1 of Section 8.2 of the Abused and Neglected Child Reporting Act,
2 any portion of the service plan compels a child or parent to
3 engage in any activity or refrain from any activity that is not
4 reasonably related to remedying a condition or conditions that
5 gave rise or which could give rise to any finding of child
6 abuse or neglect. The services contained in the service plan
7 shall include services reasonably related to remedy the
8 conditions that gave rise to removal of the child from the home
9 of his or her parents, guardian, or legal custodian or that the
10 court has found must be remedied prior to returning the child
11 home. Any tasks the court requires of the parents, guardian, or
12 legal custodian or child prior to returning the child home,
13 must be reasonably related to remedying a condition or
14 conditions that gave rise to or which could give rise to any
15 finding of child abuse or neglect.

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

24 The court shall review the Sibling Contact Support Plan
25 developed or modified under subsection (f) of Section 7.4 of
26 the Children and Family Services Act, if applicable. If the

1 Department has not convened a meeting to develop or modify a
2 Sibling Contact Support Plan, or if the court finds that the
3 existing Plan is not in the child's best interest, the court
4 may enter an order requiring the Department to develop, modify
5 or implement a Sibling Contact Support Plan, or order
6 mediation.

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

10 If, after receiving evidence, the court determines that the
11 services contained in the plan are not reasonably calculated to
12 facilitate achievement of the permanency goal, the court shall
13 put in writing the factual basis supporting the determination
14 and enter specific findings based on the evidence. The court
15 also shall enter an order for the Department to develop and
16 implement a new service plan or to implement changes to the
17 current service plan consistent with the court's findings. The
18 new service plan shall be filed with the court and served on
19 all parties within 45 days of the date of the order. The court
20 shall continue the matter until the new service plan is filed.
21 Except as authorized by subsection (2.5) of this Section and as
22 otherwise specifically authorized by law, the court is not
23 empowered under this Section to order specific placements,
24 specific services, or specific service providers to be included
25 in the service plan.

26 A guardian or custodian appointed by the court pursuant to

1 this Act shall file updated case plans with the court every 6
2 months.

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

6 (2.5) If, after reviewing the evidence, including evidence
7 from the Department, the court determines that the minor's
8 current or planned placement is not necessary or appropriate to
9 facilitate achievement of the permanency goal, the court shall
10 put in writing the factual basis supporting its determination
11 and enter specific findings based on the evidence. If the court
12 finds that the minor's current or planned placement is not
13 necessary or appropriate, the court may enter an order
14 directing the Department to implement a recommendation by the
15 minor's treating clinician or a clinician contracted by the
16 Department to evaluate the minor or a recommendation made by
17 the Department. If the Department places a minor in a placement
18 under an order entered under this subsection (2.5), the
19 Department has the authority to remove the minor from that
20 placement when a change in circumstances necessitates the
21 removal to protect the minor's health, safety, and best
22 interest. If the Department determines removal is necessary,
23 the Department shall notify the parties of the planned
24 placement change in writing no later than 10 days prior to the
25 implementation of its determination unless remaining in the
26 placement poses an imminent risk of harm to the minor, in which

1 case the Department shall notify the parties of the placement
2 change in writing immediately following the implementation of
3 its decision. The Department shall notify others of the
4 decision to change the minor's placement as required by
5 Department rule.

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

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

12 (b) If the permanency goal of the minor cannot be
13 achieved immediately, the specific reasons for continuing
14 the minor in the care of the Department of Children and
15 Family Services or other agency for short term placement,
16 and the following determinations:

17 (i) (Blank).

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

24 (iii) Whether the minor's current or planned
25 placement is necessary, and appropriate to the plan and
26 goal, recognizing the right of minors to the least

1 restrictive (most family-like) setting available and
2 in close proximity to the parents' home consistent with
3 the health, safety, best interest and special needs of
4 the minor and, if the minor is placed out-of-state,
5 whether the out-of-state placement continues to be
6 appropriate and consistent with the health, safety,
7 and best interest of the minor.

8 (iv) (Blank).

9 (v) (Blank).

10 (4) The minor or any person interested in the minor may
11 apply to the court for a change in custody of the minor and the
12 appointment of a new custodian or guardian of the person or for
13 the restoration of the minor to the custody of his parents or
14 former guardian or custodian.

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

16 (a) The Department, the minor, or the current foster
17 parent or relative caregiver seeking private guardianship
18 may file a motion for private guardianship of the minor.
19 Appointment of a guardian under this Section requires
20 approval of the court.

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

1 unfitness ground for terminating parental rights as
2 defined in subdivision (D) of Section 1 of the Adoption Act
3 exists.

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

20 Custody of the minor shall not be restored to any parent,
21 guardian or legal custodian in any case in which the minor is
22 found to be neglected or abused under Section 2-3 or dependent
23 under Section 2-4 of this Act, unless the minor can be cared
24 for at home without endangering his or her health or safety and
25 it is in the best interest of the minor, and if such neglect,
26 abuse, or dependency is found by the court under paragraph (1)

1 of Section 2-21 of this Act to have come about due to the acts
2 or omissions or both of such parent, guardian or legal
3 custodian, until such time as an investigation is made as
4 provided in paragraph (5) and a hearing is held on the issue of
5 the health, safety and best interest of the minor and the
6 fitness of such parent, guardian or legal custodian to care for
7 the minor and the court enters an order that such parent,
8 guardian or legal custodian is fit to care for the minor. If a
9 motion is filed to modify or vacate a private guardianship
10 order and return the child to a parent, guardian, or legal
11 custodian, the court may order the Department of Children and
12 Family Services to assess the minor's current and proposed
13 living arrangements and to provide ongoing monitoring of the
14 health, safety, and best interest of the minor during the
15 pendency of the motion to assist the court in making that
16 determination. In the event that the minor has attained 18
17 years of age and the guardian or custodian petitions the court
18 for an order terminating his guardianship or custody,
19 guardianship or custody shall terminate automatically 30 days
20 after the receipt of the petition unless the court orders
21 otherwise. No legal custodian or guardian of the person may be
22 removed without his consent until given notice and an
23 opportunity to be heard by the court.

24 When the court orders a child restored to the custody of
25 the parent or parents, the court shall order the parent or
26 parents to cooperate with the Department of Children and Family

1 Services and comply with the terms of an after-care plan, or
2 risk the loss of custody of the child and possible termination
3 of their parental rights. The court may also enter an order of
4 protective supervision in accordance with Section 2-24.

5 If the minor is being restored to the custody of a parent,
6 legal custodian, or guardian who lives outside of Illinois, and
7 there is not an Interstate Compact in place, the court may
8 order the Department of Children and Family Services to arrange
9 for an assessment of the minor's proposed living arrangement
10 and for ongoing monitoring of the health, safety, and best
11 interest of the minor and compliance with any order of
12 protective supervision entered in accordance with Section
13 2-24.

14 (5) Whenever a parent, guardian, or legal custodian files a
15 motion for restoration of custody of the minor, and the minor
16 was adjudicated neglected, abused, or dependent as a result of
17 physical abuse, the court shall cause to be made an
18 investigation as to whether the movant has ever been charged
19 with or convicted of any criminal offense which would indicate
20 the likelihood of any further physical abuse to the minor.
21 Evidence of such criminal convictions shall be taken into
22 account in determining whether the minor can be cared for at
23 home without endangering his or her health or safety and
24 fitness of the parent, guardian, or legal custodian.

25 (a) Any agency of this State or any subdivision thereof
26 shall co-operate with the agent of the court in providing

1 any information sought in the investigation.

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

9 (c) All information obtained from any investigation
10 shall be confidential as provided in Section 5-150 of this
11 Act.

12 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;
13 100-229, eff. 1-1-18; 100-863, eff. 8-14-18; 100-978, eff.
14 8-19-18; 101-63, eff. 10-1-19.)

15 (705 ILCS 405/2-33)

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

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

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

23 (b) the minor is not presently a ward of the court
24 under Article II of this Act nor is there a petition for
25 adjudication of wardship pending on behalf of the minor;

1 and

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

4 (2) Any time prior to a minor's 21st birthday, pursuant to
5 a supplemental petition filed under this Section, the court may
6 reinstate wardship and open a previously closed case when:

7 (a) wardship and guardianship under this Act was
8 vacated pursuant to:

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

11 (ii) closure of a case under subsection (2) of
12 Section 2-31 in the case of a minor under the age of 18
13 who has been partially or completely emancipated in
14 accordance with the Emancipation of Minors Act; or

15 (iii) an order entered under subsection (3) of
16 Section 2-31 based on the minor's attaining the age of
17 19 years before the effective date of this amendatory
18 Act of the 101st General Assembly;

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 (3) The supplemental petition must be filed in the same
26 proceeding in which the original adjudication order was

1 entered. Unless excused by court for good cause shown, the
2 petitioner shall give notice of the time and place of the
3 hearing on the supplemental petition, in person or by mail, to
4 the minor, if the minor is 14 years of age or older, and to the
5 parties to the juvenile court proceeding. Notice shall be
6 provided at least 3 court days in advance of the hearing date.

7 (3.5) Whenever a petition is filed to reinstate wardship
8 pursuant to subsection (1), prior to granting the petition, the
9 court may order the Department of Children and Family Services
10 to assess the minor's current and proposed living arrangements
11 and to provide ongoing monitoring of the health, safety, and
12 best interest of the minor during the pendency of the petition
13 to assist the court in making that determination.

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

18 (5) Whenever a minor is committed to the Department of
19 Children and Family Services for care and services following
20 the reinstatement of wardship under this Section, the
21 Department shall:

22 (a) Within 30 days of such commitment, prepare and file
23 with the court a case plan which complies with the federal
24 Adoption Assistance and Child Welfare Act of 1980 and is
25 consistent with the health, safety and best interests of
26 the minor; and

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

4 (Source: P.A. 101-78, eff. 7-12-19.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.