

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

1 or custodian. After such testimony, the court may, consistent  
2 with the health, safety and best interests of the minor, enter  
3 an 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  
23 98-803) and before January 1, 2017, a minor charged with a  
24 criminal offense under the Criminal Code of 1961 or the  
25 Criminal Code of 2012 or adjudicated delinquent shall not be  
26 placed in the custody of or committed to the Department of

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

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

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

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

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

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

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

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

1 continuation of the contact, as set out in the plan, would be  
2 contrary to the child's health, safety, and welfare. The  
3 Department shall file with the court and serve on the parties  
4 any amendments to the plan within 10 days, excluding weekends  
5 and holidays, of the change of the visitation.

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



1 entered of record in the court.

2 Once the court finds that it is a matter of immediate and  
3 urgent necessity for the protection of the minor that the  
4 minor be placed in a shelter care facility, the minor shall not  
5 be returned to the parent, custodian or guardian until the  
6 court finds that such placement is no longer necessary for the  
7 protection of the minor.

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

26 (3) If prior to the shelter care hearing for a minor

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

26 NOTICE TO PARENTS AND CHILDREN

OF SHELTER CARE HEARING

On ..... at ....., before the Honorable ..... (address:) ....., the State of Illinois will present evidence (1) that (name of child or children) ..... are abused, neglected or dependent for the following reasons:

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

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

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

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

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

3. To present evidence concerning:

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

b. Whether or not there is "immediate and

1           urgent necessity" to remove the child from home  
 2           (including: their ability to care for the child,  
 3           conditions in the home, alternative means of  
 4           protecting the child other than removal).

5                   c. The best interests of the child.

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

7           The Notice for rehearings shall be substantially as  
 8 follows:

9                   NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

10                   TO REHEARING ON TEMPORARY CUSTODY

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

21                   1. That you were not present at the shelter care  
 22 hearing.

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

25                   3. Your signature.

1           4. Signature must be notarized.

2           The rehearing should be scheduled within 48 hours of  
3 your filing this affidavit.

4           At the rehearing, your rights are the same as at the  
5 initial shelter care hearing. The enclosed notice explains  
6 those rights.

7           At the Shelter Care Hearing, children have the  
8 following rights:

9           1. To have a guardian ad litem appointed.

10           2. To be declared competent as a witness and to  
11 present testimony concerning:

12           a. Whether they are abused, neglected or  
13 dependent.

14           b. Whether there is "immediate and urgent  
15 necessity" to be removed from home.

16           c. Their best interests.

17           3. To cross examine witnesses for other parties.

18           4. To obtain an explanation of any proceedings and  
19 orders of the court.

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

1 shall proceed in the same manner as upon the original hearing.

2 (5) Only when there is reasonable cause to believe that  
3 the minor taken into custody is a person described in  
4 subsection (3) of Section 5-105 may the minor be kept or  
5 detained in a detention home or county or municipal jail. This  
6 Section shall in no way be construed to limit subsection (6).

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

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

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

1 or a licensed child welfare agency.

2 (9) Notwithstanding any other provision of this Section  
3 any interested party, including the State, the temporary  
4 custodian, an agency providing services to the minor or family  
5 under a service plan pursuant to Section 8.2 of the Abused and  
6 Neglected Child Reporting Act, foster parent, or any of their  
7 representatives, on notice to all parties entitled to notice,  
8 may file a motion that it is in the best interests of the minor  
9 to modify or vacate a temporary custody order on any of the  
10 following grounds:

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

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

17 (c) A person not a party to the alleged abuse, neglect  
18 or dependency, including a parent, relative or legal  
19 guardian, is capable of assuming temporary custody of the  
20 minor; or

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

26 In ruling on the motion, the court shall determine whether

1 it is consistent with the health, safety and best interests of  
2 the minor to modify or vacate a temporary custody order. If the  
3 minor is being restored to the custody of a parent, legal  
4 custodian, or guardian who lives outside of Illinois, and an  
5 Interstate Compact has been requested and refused, the court  
6 may order the Department of Children and Family Services to  
7 arrange for an assessment of the minor's proposed living  
8 arrangement and for ongoing monitoring of the health, safety,  
9 and best interest of the minor and compliance with any order of  
10 protective supervision entered in accordance with Section 2-20  
11 or 2-25.

12 The clerk shall set the matter for hearing not later than  
13 14 days after such motion is filed. In the event that the court  
14 modifies or vacates a temporary custody order but does not  
15 vacate its finding of probable cause, the court may order that  
16 appropriate services be continued or initiated in behalf of  
17 the minor and his or her family.

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

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



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

3           Once the presumption of immediate and urgent necessity has  
4           been raised, the burden of demonstrating the lack of immediate  
5           and urgent necessity shall be on any party that is opposing  
6           shelter care for the other minor.

7           (11) The changes made to this Section by Public Act 98-61  
8           apply to a minor who has been arrested or taken into custody on  
9           or after January 1, 2014 (the effective date of Public Act  
10          98-61).

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

24                 (a) the efforts to identify and locate the respondents  
25                 and adult family members of the minor and the results of  
26                 those efforts;

1 (b) the efforts to engage the respondents and adult  
2 family members of the minor in decision making on behalf  
3 of the minor;

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

6 (d) the relationship between the respondents and adult  
7 family members and the minor;

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

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

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

18 (Source: P.A. 99-625, eff. 1-1-17; 99-642, eff. 7-28-16;  
19 100-159, eff. 8-18-17; 100-863, eff. 8-14-18; 100-959, eff.  
20 1-1-19.)

21 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

25 (a) A minor found to be neglected or abused under

1 Section 2-3 or dependent under Section 2-4 may be (1)  
2 continued in the custody of his or her parents, guardian  
3 or legal custodian; (2) placed in accordance with Section  
4 2-27; (3) restored to the custody of the parent, parents,  
5 guardian, or legal custodian, provided the court shall  
6 order the parent, parents, guardian, or legal custodian to  
7 cooperate with the Department of Children and Family  
8 Services and comply with the terms of an after-care plan  
9 or risk the loss of custody of the child and the possible  
10 termination of their parental rights; or (4) ordered  
11 partially or completely emancipated in accordance with the  
12 provisions of the Emancipation of Minors Act.

13 If the minor is being restored to the custody of a  
14 parent, legal custodian, or guardian who lives outside of  
15 Illinois, and an Interstate Compact has been requested and  
16 refused, the court may order the Department of Children  
17 and Family Services to arrange for an assessment of the  
18 minor's proposed living arrangement and for ongoing  
19 monitoring of the health, safety, and best interest of the  
20 minor and compliance with any order of protective  
21 supervision entered in accordance with Section 2-24.

22 However, in any case in which a minor is found by the  
23 court to be neglected or abused under Section 2-3 of this  
24 Act, custody of the minor shall not be restored to any  
25 parent, guardian or legal custodian whose acts or  
26 omissions or both have been identified, pursuant to

1 subsection (1) of Section 2-21, as forming the basis for  
2 the court's finding of abuse or neglect, until such time  
3 as a hearing is held on the issue of the best interests of  
4 the minor and the fitness of such parent, guardian or  
5 legal custodian to care for the minor without endangering  
6 the minor's health or safety, and the court enters an  
7 order that such parent, guardian or legal custodian is fit  
8 to care for the minor.

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

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

25 (b-1) A minor between the ages of 18 and 21 may be  
26 placed pursuant to Section 2-27 of this Act if (1) the

1 court has granted a supplemental petition to reinstate  
2 wardship of the minor pursuant to subsection (2) of  
3 Section 2-33, (2) the court has adjudicated the minor a  
4 ward of the court, permitted the minor to return home  
5 under an order of protection, and subsequently made a  
6 finding that it is in the minor's best interest to vacate  
7 the order of protection and commit the minor to the  
8 Department of Children and Family Services for care and  
9 service, or (3) the court returned the minor to the  
10 custody of the respondent under Section 2-4b of this Act  
11 without terminating the proceedings under Section 2-31 of  
12 this Act, and subsequently made a finding that it is in the  
13 minor's best interest to commit the minor to the  
14 Department of Children and Family Services for care and  
15 services.

16 (c) When the court awards guardianship to the  
17 Department of Children and Family Services, the court  
18 shall order the parents to cooperate with the Department  
19 of Children and Family Services, comply with the terms of  
20 the service plans, and correct the conditions that require  
21 the child to be in care, or risk termination of their  
22 parental rights.

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

26 Unless the order of disposition expressly so provides, it

1 does not operate to close proceedings on the pending petition,  
2 but is subject to modification, not inconsistent with Section  
3 2-28, until final closing and discharge of the proceedings  
4 under Section 2-31.

5 (3) The court also shall enter any other orders necessary  
6 to fulfill the service plan, including, but not limited to,  
7 (i) orders requiring parties to cooperate with services, (ii)  
8 restraining orders controlling the conduct of any party likely  
9 to frustrate the achievement of the goal, and (iii) visiting  
10 orders. When the child is placed separately from a sibling,  
11 the court shall review the Sibling Contact Support Plan  
12 developed under subsection (f) of Section 7.4 of the Children  
13 and Family Services Act, if applicable. If the Department has  
14 not convened a meeting to develop a Sibling Contact Support  
15 Plan, or if the court finds that the existing Plan is not in  
16 the child's best interest, the court may enter an order  
17 requiring the Department to develop and implement a Sibling  
18 Contact Support Plan under subsection (f) of Section 7.4 of  
19 the Children and Family Services Act or order mediation.  
20 Unless otherwise specifically authorized by law, the court is  
21 not empowered under this subsection (3) to order specific  
22 placements, specific services, or specific service providers  
23 to be included in the plan. If, after receiving evidence, the  
24 court determines that the services contained in the plan are  
25 not reasonably calculated to facilitate achievement of the  
26 permanency goal, the court shall put in writing the factual

1 basis supporting the determination and enter specific findings  
2 based on the evidence. The court also shall enter an order for  
3 the Department to develop and implement a new service plan or  
4 to implement changes to the current service plan consistent  
5 with the court's findings. The new service plan shall be filed  
6 with the court and served on all parties within 45 days after  
7 the date of the order. The court shall continue the matter  
8 until the new service plan is filed. Except as authorized by  
9 subsection (3.5) of this Section or authorized by law, the  
10 court is not empowered under this Section to order specific  
11 placements, specific services, or specific service providers  
12 to be included in the service plan.

13 (3.5) If, after reviewing the evidence, including evidence  
14 from the Department, the court determines that the minor's  
15 current or planned placement is not necessary or appropriate  
16 to facilitate achievement of the permanency goal, the court  
17 shall put in writing the factual basis supporting its  
18 determination and enter specific findings based on the  
19 evidence. If the court finds that the minor's current or  
20 planned placement is not necessary or appropriate, the court  
21 may enter an order directing the Department to implement a  
22 recommendation by the minor's treating clinician or a  
23 clinician contracted by the Department to evaluate the minor  
24 or a recommendation made by the Department. If the Department  
25 places a minor in a placement under an order entered under this  
26 subsection (3.5), the Department has the authority to remove

1 the minor from that placement when a change in circumstances  
2 necessitates the removal to protect the minor's health,  
3 safety, and best interest. If the Department determines  
4 removal is necessary, the Department shall notify the parties  
5 of the planned placement change in writing no later than 10  
6 days prior to the implementation of its determination unless  
7 remaining in the placement poses an imminent risk of harm to  
8 the minor, in which case the Department shall notify the  
9 parties of the placement change in writing immediately  
10 following the implementation of its decision. The Department  
11 shall notify others of the decision to change the minor's  
12 placement as required by Department rule.

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

22 (5) Any order for disposition where the minor is committed  
23 or placed in accordance with Section 2-27 shall provide for  
24 the parents or guardian of the estate of such minor to pay to  
25 the legal custodian or guardian of the person of the minor such  
26 sums as are determined by the custodian or guardian of the



1 person of the minor as necessary for the minor's needs. Such  
2 payments may not exceed the maximum amounts provided for by  
3 Section 9.1 of the Children and Family Services Act.

4 (6) Whenever the order of disposition requires the minor  
5 to attend school or participate in a program of training, the  
6 truant officer or designated school official shall regularly  
7 report to the court if the minor is a chronic or habitual  
8 truant under Section 26-2a of the School Code.

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

12 (Source: P.A. 100-45, eff. 8-11-17; 100-978, eff. 8-19-18;  
13 101-79, eff. 7-12-19.)

14 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

15 Sec. 2-28. Court review.

16 (1) The court may require any legal custodian or guardian  
17 of the person appointed under this Act to report periodically  
18 to the court or may cite him into court and require him or his  
19 agency, to make a full and accurate report of his or its doings  
20 in behalf of the minor. The custodian or guardian, within 10  
21 days after such citation, or earlier if the court determines  
22 it to be necessary to protect the health, safety, or welfare of  
23 the minor, shall make the report, either in writing verified  
24 by affidavit or orally under oath in open court, or otherwise  
25 as the court directs. Upon the hearing of the report the court

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

19 (1.5) The public agency that is the custodian or guardian  
20 of the minor shall file a written report with the court no  
21 later than 15 days after a minor in the agency's care remains:

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

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

26 (3) in a detention center or Department of Juvenile

1 Justice facility solely because the public agency cannot  
2 find an appropriate placement for the minor.

3 The report shall explain the steps the agency is taking to  
4 ensure the minor is placed appropriately, how the minor's  
5 needs are being met in the minor's shelter placement, and if a  
6 future placement has been identified by the Department, why  
7 the anticipated placement is appropriate for the needs of the  
8 minor and the anticipated placement date.

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

1 Department shall submit evidence at each status and permanency  
2 hearing:

3 (1) demonstrating that on-going assessment of the  
4 strengths and needs of the child continues to support the  
5 determination that the child's needs cannot be met through  
6 placement in a foster family home, that the placement  
7 provides the most effective and appropriate level of care  
8 for the child in the least restrictive, appropriate  
9 environment, and that the placement is consistent with the  
10 short-term and long-term permanency goal for the child, as  
11 specified in the permanency plan for the child;

12 (2) documenting the specific treatment or service  
13 needs that should be met for the child in the placement and  
14 the length of time the child is expected to need the  
15 treatment or services; and

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

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

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

25 The public agency that is the custodian or guardian of the  
26 minor, or another agency responsible for the minor's care,

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

1 the court, the moving party shall move for the setting of a  
2 permanency hearing and the entry of an order within the time  
3 frames set forth in this subsection.

4 At the permanency hearing, the court shall determine the  
5 future status of the child. The court shall set one of the  
6 following permanency goals:

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

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

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

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

1           (D) Adoption, provided that parental rights have been  
2 terminated or relinquished.

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

6           (F) The minor over age 15 will be in substitute care  
7 pending independence. In selecting this permanency goal,  
8 the Department of Children and Family Services may provide  
9 services to enable reunification and to strengthen the  
10 minor's connections with family, fictive kin, and other  
11 responsible adults, provided the services are in the  
12 minor's best interest. The services shall be documented in  
13 the service plan.

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

19           In selecting any permanency goal, the court shall indicate  
20 in writing the reasons the goal was selected and why the  
21 preceding goals were ruled out. Where the court has selected a  
22 permanency goal other than (A), (B), or (B-1), the Department  
23 of Children and Family Services shall not provide further  
24 reunification services, except as provided in paragraph (F) of  
25 this subsection (2), but shall provide services consistent  
26 with the goal selected.



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

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

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

8           (3) The court has found compelling reasons, based  
9 on written documentation reviewed by the court, to  
10 place the minor in continuing foster care. Compelling  
11 reasons include:

12           (a) the child does not wish to be adopted or to  
13 be placed in the guardianship of his or her  
14 relative or foster care placement;

15           (b) the child exhibits an extreme level of  
16 need such that the removal of the child from his or  
17 her placement would be detrimental to the child;  
18 or

19           (c) the child who is the subject of the  
20 permanency hearing has existing close and strong  
21 bonds with a sibling, and achievement of another  
22 permanency goal would substantially interfere with  
23 the subject child's sibling relationship, taking  
24 into consideration the nature and extent of the  
25 relationship, and whether ongoing contact is in  
26 the subject child's best interest, including

1 long-term emotional interest, as compared with the  
2 legal and emotional benefit of permanence;

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

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

8 The court shall set a permanency goal that is in the best  
9 interest of the child. In determining that goal, the court  
10 shall consult with the minor in an age-appropriate manner  
11 regarding the proposed permanency or transition plan for the  
12 minor. The court's determination shall include the following  
13 factors:

14 (1) Age of the child.

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

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

19 (4) Emotional, physical, and mental status or  
20 condition of the child.

21 (5) Types of services previously offered and whether  
22 or not the services were successful and, if not  
23 successful, the reasons the services failed.

24 (6) Availability of services currently needed and  
25 whether the services exist.

26 (7) Status of siblings of the minor.

1           The court shall consider (i) the permanency goal contained  
2 in the service plan, (ii) the appropriateness of the services  
3 contained in the plan and whether those services have been  
4 provided, (iii) whether reasonable efforts have been made by  
5 all the parties to the service plan to achieve the goal, and  
6 (iv) whether the plan and goal have been achieved. All  
7 evidence relevant to determining these questions, including  
8 oral and written reports, may be admitted and may be relied on  
9 to the extent of their probative value.

10           The court shall make findings as to whether, in violation  
11 of Section 8.2 of the Abused and Neglected Child Reporting  
12 Act, any portion of the service plan compels a child or parent  
13 to engage in any activity or refrain from any activity that is  
14 not reasonably related to remedying a condition or conditions  
15 that gave rise or which could give rise to any finding of child  
16 abuse or neglect. The services contained in the service plan  
17 shall include services reasonably related to remedy the  
18 conditions that gave rise to removal of the child from the home  
19 of his or her parents, guardian, or legal custodian or that the  
20 court has found must be remedied prior to returning the child  
21 home. Any tasks the court requires of the parents, guardian,  
22 or legal custodian or child prior to returning the child home,  
23 must be reasonably related to remedying a condition or  
24 conditions that gave rise to or which could give rise to any  
25 finding of child abuse or neglect.

26           If the permanency goal is to return home, the court shall

1 make findings that identify any problems that are causing  
2 continued placement of the children away from the home and  
3 identify what outcomes would be considered a resolution to  
4 these problems. The court shall explain to the parents that  
5 these findings are based on the information that the court has  
6 at that time and may be revised, should additional evidence be  
7 presented to the court.

8 The court shall review the Sibling Contact Support Plan  
9 developed or modified under subsection (f) of Section 7.4 of  
10 the Children and Family Services Act, if applicable. If the  
11 Department has not convened a meeting to develop or modify a  
12 Sibling Contact Support Plan, or if the court finds that the  
13 existing Plan is not in the child's best interest, the court  
14 may enter an order requiring the Department to develop, modify  
15 or implement a Sibling Contact Support Plan, or order  
16 mediation.

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

20 If, after receiving evidence, the court determines that  
21 the services contained in the plan are not reasonably  
22 calculated to facilitate achievement of the permanency goal,  
23 the court shall put in writing the factual basis supporting  
24 the determination and enter specific findings based on the  
25 evidence. The court also shall enter an order for the  
26 Department to develop and implement a new service plan or to

1 implement changes to the current service plan consistent with  
2 the court's findings. The new service plan shall be filed with  
3 the court and served on all parties within 45 days of the date  
4 of the order. The court shall continue the matter until the new  
5 service plan is filed. Except as authorized by subsection  
6 (2.5) of this Section and as otherwise specifically authorized  
7 by law, the court is not empowered under this Section to order  
8 specific placements, specific services, or specific service  
9 providers to be included in the service plan.

10 A guardian or custodian appointed by the court pursuant to  
11 this Act shall file updated case plans with the court every 6  
12 months.

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

16 (2.5) If, after reviewing the evidence, including evidence  
17 from the Department, the court determines that the minor's  
18 current or planned placement is not necessary or appropriate  
19 to facilitate achievement of the permanency goal, the court  
20 shall put in writing the factual basis supporting its  
21 determination and enter specific findings based on the  
22 evidence. If the court finds that the minor's current or  
23 planned placement is not necessary or appropriate, the court  
24 may enter an order directing the Department to implement a  
25 recommendation by the minor's treating clinician or a  
26 clinician contracted by the Department to evaluate the minor

1 or a recommendation made by the Department. If the Department  
2 places a minor in a placement under an order entered under this  
3 subsection (2.5), the Department has the authority to remove  
4 the minor from that placement when a change in circumstances  
5 necessitates the removal to protect the minor's health,  
6 safety, and best interest. If the Department determines  
7 removal is necessary, the Department shall notify the parties  
8 of the planned placement change in writing no later than 10  
9 days prior to the implementation of its determination unless  
10 remaining in the placement poses an imminent risk of harm to  
11 the minor, in which case the Department shall notify the  
12 parties of the placement change in writing immediately  
13 following the implementation of its decision. The Department  
14 shall notify others of the decision to change the minor's  
15 placement as required by Department rule.

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

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

23 (b) If the permanency goal of the minor cannot be  
24 achieved immediately, the specific reasons for continuing  
25 the minor in the care of the Department of Children and  
26 Family Services or other agency for short term placement,

1 and the following determinations:

2 (i) (Blank).

3 (ii) Whether the services required by the court  
4 and by any service plan prepared within the prior 6  
5 months have been provided and (A) if so, whether the  
6 services were reasonably calculated to facilitate the  
7 achievement of the permanency goal or (B) if not  
8 provided, why the services were not provided.

9 (iii) Whether the minor's current or planned  
10 placement is necessary, and appropriate to the plan  
11 and goal, recognizing the right of minors to the least  
12 restrictive (most family-like) setting available and  
13 in close proximity to the parents' home consistent  
14 with the health, safety, best interest and special  
15 needs of the minor and, if the minor is placed  
16 out-of-state, whether the out-of-state placement  
17 continues to be appropriate and consistent with the  
18 health, safety, and best interest of the minor.

19 (iv) (Blank).

20 (v) (Blank).

21 (4) The minor or any person interested in the minor may  
22 apply to the court for a change in custody of the minor and the  
23 appointment of a new custodian or guardian of the person or for  
24 the restoration of the minor to the custody of his parents or  
25 former guardian or custodian.

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

1           (a) The Department, the minor, or the current foster  
2 parent or relative caregiver seeking private guardianship  
3 may file a motion for private guardianship of the minor.  
4 Appointment of a guardian under this Section requires  
5 approval of the court.

6           (b) The State's Attorney may file a motion to  
7 terminate parental rights of any parent who has failed to  
8 make reasonable efforts to correct the conditions which  
9 led to the removal of the child or reasonable progress  
10 toward the return of the child, as defined in subdivision  
11 (D)(m) of Section 1 of the Adoption Act or for whom any  
12 other unfitness ground for terminating parental rights as  
13 defined in subdivision (D) of Section 1 of the Adoption  
14 Act exists.

15           When parental rights have been terminated for a  
16 minimum of 3 years and the child who is the subject of the  
17 permanency hearing is 13 years old or older and is not  
18 currently placed in a placement likely to achieve  
19 permanency, the Department of Children and Family Services  
20 shall make reasonable efforts to locate parents whose  
21 rights have been terminated, except when the Court  
22 determines that those efforts would be futile or  
23 inconsistent with the subject child's best interests. The  
24 Department of Children and Family Services shall assess  
25 the appropriateness of the parent whose rights have been  
26 terminated, and shall, as appropriate, foster and support



1 connections between the parent whose rights have been  
2 terminated and the youth. The Department of Children and  
3 Family Services shall document its determinations and  
4 efforts to foster connections in the child's case plan.

5 Custody of the minor shall not be restored to any parent,  
6 guardian or legal custodian in any case in which the minor is  
7 found to be neglected or abused under Section 2-3 or dependent  
8 under Section 2-4 of this Act, unless the minor can be cared  
9 for at home without endangering his or her health or safety and  
10 it is in the best interest of the minor, and if such neglect,  
11 abuse, or dependency is found by the court under paragraph (1)  
12 of Section 2-21 of this Act to have come about due to the acts  
13 or omissions or both of such parent, guardian or legal  
14 custodian, until such time as an investigation is made as  
15 provided in paragraph (5) and a hearing is held on the issue of  
16 the health, safety and best interest of the minor and the  
17 fitness of such parent, guardian or legal custodian to care  
18 for the minor and the court enters an order that such parent,  
19 guardian or legal custodian is fit to care for the minor. If a  
20 motion is filed to modify or vacate a private guardianship  
21 order and return the child to a parent, guardian, or legal  
22 custodian, the court may order the Department of Children and  
23 Family Services to assess the minor's current and proposed  
24 living arrangements and to provide ongoing monitoring of the  
25 health, safety, and best interest of the minor during the  
26 pendency of the motion to assist the court in making that

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

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

17 If the minor is being restored to the custody of a parent,  
18 legal custodian, or guardian who lives outside of Illinois,  
19 and an Interstate Compact has been requested and refused, the  
20 court may order the Department of Children and Family Services  
21 to arrange for an assessment of the minor's proposed living  
22 arrangement and for ongoing monitoring of the health, safety,  
23 and best interest of the minor and compliance with any order of  
24 protective supervision entered in accordance with Section  
25 2-24.

26 (5) Whenever a parent, guardian, or legal custodian files

1 a motion for restoration of custody of the minor, and the minor  
2 was adjudicated neglected, abused, or dependent as a result of  
3 physical abuse, the court shall cause to be made an  
4 investigation as to whether the movant has ever been charged  
5 with or convicted of any criminal offense which would indicate  
6 the likelihood of any further physical abuse to the minor.  
7 Evidence of such criminal convictions shall be taken into  
8 account in determining whether the minor can be cared for at  
9 home without endangering his or her health or safety and  
10 fitness of the parent, guardian, or legal custodian.

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

14 (b) The information derived from the investigation and  
15 any conclusions or recommendations derived from the  
16 information shall be provided to the parent, guardian, or  
17 legal custodian seeking restoration of custody prior to  
18 the hearing on fitness and the movant shall have an  
19 opportunity at the hearing to refute the information or  
20 contest its significance.

21 (c) All information obtained from any investigation  
22 shall be confidential as provided in Section 5-150 of this  
23 Act.

24 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;  
25 100-229, eff. 1-1-18; 100-863, eff. 8-14-18; 100-978, eff.  
26 8-19-18; 101-63, eff. 10-1-19.)

1 (705 ILCS 405/2-33)

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

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

6 (a) wardship and guardianship under the Juvenile Court  
7 Act of 1987 was vacated in conjunction with the  
8 appointment of a private guardian under the Probate Act of  
9 1975;

10 (b) the minor is not presently a ward of the court  
11 under Article II of this Act nor is there a petition for  
12 adjudication of wardship pending on behalf of the minor;  
13 and

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

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

19 (a) wardship and guardianship under this Act was  
20 vacated pursuant to:

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

23 (ii) closure of a case under subsection (2) of  
24 Section 2-31 in the case of a minor under the age of 18  
25 who has been partially or completely emancipated in

1           accordance with the Emancipation of Minors Act; or  
2                   (iii) an order entered under subsection (3) of  
3           Section 2-31 based on the minor's attaining the age of  
4           19 years before the effective date of this amendatory  
5           Act of the 101st General Assembly;

6           (b) the minor is not presently a ward of the court  
7           under Article II of this Act nor is there a petition for  
8           adjudication of wardship pending on behalf of the minor;  
9           and

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

12           (3) The supplemental petition must be filed in the same  
13           proceeding in which the original adjudication order was  
14           entered. Unless excused by court for good cause shown, the  
15           petitioner shall give notice of the time and place of the  
16           hearing on the supplemental petition, in person or by mail, to  
17           the minor, if the minor is 14 years of age or older, and to the  
18           parties to the juvenile court proceeding. Notice shall be  
19           provided at least 3 court days in advance of the hearing date.

20           (3.5) Whenever a petition is filed to reinstate wardship  
21           pursuant to subsection (1), prior to granting the petition,  
22           the court may order the Department of Children and Family  
23           Services to assess the minor's current and proposed living  
24           arrangements and to provide ongoing monitoring of the health,  
25           safety, and best interest of the minor during the pendency of  
26           the petition to assist the court in making that determination.

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

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

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

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

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

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