

SB3961



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3961

Introduced 1/21/2022, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts concerning children by: replacing certain pronouns with the nouns to which the pronouns refer; replacing certain instances of the word "biological"; changing the Independent Juvenile Ombudsman to the Independent Juvenile Ombudsperson; deleting certain obsolete language; and making technical and other changes. Effective 60 days after becoming law.

LRB102 22864 WGH 32015 b

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Sections 4b, 5, 5c, 5d, 7, 7.3, 7.3a, 7.4, 7.8, 8,
6 8a, 8b, 9.3, 9.5, 17, 21, 35.5, 35.6, and 35.9 as follows:

7 (20 ILCS 505/4b)

8 Sec. 4b. Youth transitional housing programs.

9 (a) The Department may license youth transitional housing
10 programs. For the purposes of this Section, "youth
11 transitional housing program" means a program that provides
12 shelter or housing and services to eligible homeless minors.
13 Services provided by the youth transitional housing program
14 may include a service assessment, individualized case
15 management, and life skills training. The Department shall
16 adopt rules governing the licensure of those programs.

17 (b) A homeless minor is eligible if:

18 (1) the homeless minor ~~he or she~~ is at least 16 years
19 of age but less than 18 years of age;

20 (2) the homeless minor lacks a regular, fixed, and
21 adequate place to live;

22 (3) the homeless minor is living apart from the
23 minor's ~~his or her~~ parent or guardian;

1 (4) the homeless minor desires to participate in a
2 licensed youth transitional housing program;

3 (5) a licensed youth transitional housing program is
4 able to provide housing and services;

5 (6) the licensed youth transitional housing program
6 has determined the homeless minor is eligible for the
7 youth transitional housing program; and

8 (7) either the homeless minor's parent has consented
9 to the transitional housing program or the minor has
10 consented after:

11 (A) a comprehensive community based youth service
12 agency has provided crisis intervention services to
13 the homeless minor under Section 3-5 of the Juvenile
14 Court Act of 1987 and the agency was unable to achieve
15 either family reunification or an alternate living
16 arrangement;

17 (B) the Department has not filed a petition
18 alleging that the homeless minor is abused or
19 neglected and the minor does not require placement in
20 a residential facility, as defined by 89 Ill. Adm.
21 Code 301.20;

22 (C) the youth transitional housing program or
23 comprehensive community based youth services agency
24 has made reasonable efforts and documented its
25 attempts to notify the homeless minor's parent or
26 guardian of the homeless minor's intent to enter the

1 youth transitional housing program.

2 (d) If an eligible homeless minor voluntarily leaves or is
3 dismissed from a youth transitional housing program prior to
4 reaching the age of majority, the youth transitional housing
5 program agency shall contact the comprehensive community based
6 youth services agency that provided crisis intervention
7 services to the eligible homeless minor under subdivision
8 (b) (7) (A) of this Section to assist in finding an alternative
9 placement for the minor. If the eligible homeless minor leaves
10 the program before beginning services with the comprehensive
11 community based youth service provider, then the youth
12 transitional housing program shall notify the local law
13 enforcement authorities and make reasonable efforts to notify
14 the minor's parent or guardian that the minor has left the
15 program.

16 (e) Nothing in this Section shall be construed to require
17 an eligible homeless minor to acquire the consent of a parent,
18 guardian, or custodian to consent to a youth transitional
19 housing program. An eligible homeless minor is deemed to have
20 the legal capacity to consent to receiving housing and
21 services from a licensed youth transitional housing program.

22 (f) The purpose of this Section is to provide a means by
23 which an eligible homeless minor may have the authority to
24 consent, independent of the homeless minor's ~~his or her~~
25 parents or guardian, to receive housing and services as
26 described in subsection (a) of this Section provided by a

1 licensed youth transitional housing program that has the
2 ability to serve the homeless minor. This Section is not
3 intended to interfere with the integrity of the family or the
4 rights of parents and their children. This Section does not
5 limit or exclude any means by which a minor may become
6 emancipated.

7 (Source: P.A. 100-162, eff. 1-1-18.)

8 (20 ILCS 505/5) (from Ch. 23, par. 5005)

9 Sec. 5. Direct child welfare services; Department of
10 Children and Family Services. To provide direct child welfare
11 services when not available through other public or private
12 child care or program facilities.

13 (a) For purposes of this Section:

14 (1) "Children" means persons found within the State
15 who are under the age of 18 years. The term also includes
16 persons under age 21 who:

17 (A) were committed to the Department pursuant to
18 the Juvenile Court Act or the Juvenile Court Act of
19 1987 and who continue under the jurisdiction of the
20 court; or

21 (B) were accepted for care, service and training
22 by the Department prior to the age of 18 and whose best
23 interest in the discretion of the Department would be
24 served by continuing that care, service and training
25 because of severe emotional disturbances, physical

1 disability, social adjustment or any combination
2 thereof, or because of the need to complete an
3 educational or vocational training program.

4 (2) "Homeless youth" means persons found within the
5 State who are under the age of 19, are not in a safe and
6 stable living situation and cannot be reunited with their
7 families.

8 (3) "Child welfare services" means public social
9 services which are directed toward the accomplishment of
10 the following purposes:

11 (A) protecting and promoting the health, safety
12 and welfare of children, including homeless,
13 dependent, or neglected children;

14 (B) remedying, or assisting in the solution of
15 problems which may result in, the neglect, abuse,
16 exploitation, or delinquency of children;

17 (C) preventing the unnecessary separation of
18 children from their families by identifying family
19 problems, assisting families in resolving their
20 problems, and preventing the breakup of the family
21 where the prevention of child removal is desirable and
22 possible when the child can be cared for at home
23 without endangering the child's health and safety;

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the
26 child and the families when the child can be cared for

1 at home without endangering the child's health and
2 safety;

3 (E) placing children in suitable adoptive homes,
4 in cases where restoration to the birth ~~biological~~
5 family is not safe, possible, or appropriate;

6 (F) assuring safe and adequate care of children
7 away from their homes, in cases where the child cannot
8 be returned home or cannot be placed for adoption. At
9 the time of placement, the Department shall consider
10 concurrent planning, as described in subsection (1-1)
11 of this Section so that permanency may occur at the
12 earliest opportunity. Consideration should be given so
13 that if reunification fails or is delayed, the
14 placement made is the best available placement to
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities
19 that provide separate living quarters for children
20 under the age of 18 and for children 18 years of age
21 and older, unless a child 18 years of age is in the
22 last year of high school education or vocational
23 training, in an approved individual or group treatment
24 program, in a licensed shelter facility, or secure
25 child care facility. The Department is not required to
26 place or maintain children:

1 (i) who are in a foster home, or
2 (ii) who are persons with a developmental
3 disability, as defined in the Mental Health and
4 Developmental Disabilities Code, or
5 (iii) who are female children who are
6 pregnant, pregnant and parenting, or parenting, or
7 (iv) who are siblings, in facilities that
8 provide separate living quarters for children 18
9 years of age and older and for children under 18
10 years of age.

11 (b) (Blank).

12 (c) The Department shall establish and maintain
13 tax-supported child welfare services and extend and seek to
14 improve voluntary services throughout the State, to the end
15 that services and care shall be available on an equal basis
16 throughout the State to children requiring such services.

17 (d) The Director may authorize advance disbursements for
18 any new program initiative to any agency contracting with the
19 Department. As a prerequisite for an advance disbursement, the
20 contractor must post a surety bond in the amount of the advance
21 disbursement and have a purchase of service contract approved
22 by the Department. The Department may pay up to 2 months
23 operational expenses in advance. The amount of the advance
24 disbursement shall be prorated over the life of the contract
25 or the remaining months of the fiscal year, whichever is less,
26 and the installment amount shall then be deducted from future

1 bills. Advance disbursement authorizations for new initiatives
2 shall not be made to any agency after that agency has operated
3 during 2 consecutive fiscal years. The requirements of this
4 Section concerning advance disbursements shall not apply with
5 respect to the following: payments to local public agencies
6 for child day care services as authorized by Section 5a of this
7 Act; and youth service programs receiving grant funds under
8 Section 17a-4.

9 (e) (Blank).

10 (f) (Blank).

11 (g) The Department shall establish rules and regulations
12 concerning its operation of programs designed to meet the
13 goals of child safety and protection, family preservation,
14 family reunification, and adoption, including, but not limited
15 to:

16 (1) adoption;

17 (2) foster care;

18 (3) family counseling;

19 (4) protective services;

20 (5) (blank);

21 (6) homemaker service;

22 (7) return of runaway children;

23 (8) (blank);

24 (9) placement under Section 5-7 of the Juvenile Court
25 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
26 Court Act of 1987 in accordance with the federal Adoption

1 Assistance and Child Welfare Act of 1980; and

2 (10) interstate services.

3 Rules and regulations established by the Department shall
4 include provisions for training Department staff and the staff
5 of Department grantees, through contracts with other agencies
6 or resources, in screening techniques to identify substance
7 use disorders, as defined in the Substance Use Disorder Act,
8 approved by the Department of Human Services, as a successor
9 to the Department of Alcoholism and Substance Abuse, for the
10 purpose of identifying children and adults who should be
11 referred for an assessment at an organization appropriately
12 licensed by the Department of Human Services for substance use
13 disorder treatment.

14 (h) If the Department finds that there is no appropriate
15 program or facility within or available to the Department for
16 a youth in care and that no licensed private facility has an
17 adequate and appropriate program or none agrees to accept the
18 youth in care, the Department shall create an appropriate
19 individualized, program-oriented plan for such youth in care.
20 The plan may be developed within the Department or through
21 purchase of services by the Department to the extent that it is
22 within its statutory authority to do.

23 (i) Service programs shall be available throughout the
24 State and shall include but not be limited to the following
25 services:

26 (1) case management;

- 1 (2) homemakers;
- 2 (3) counseling;
- 3 (4) parent education;
- 4 (5) day care; and
- 5 (6) emergency assistance and advocacy.

6 In addition, the following services may be made available
7 to assess and meet the needs of children and families:

- 8 (1) comprehensive family-based services;
- 9 (2) assessments;
- 10 (3) respite care; and
- 11 (4) in-home health services.

12 The Department shall provide transportation for any of the
13 services it makes available to children or families or for
14 which it refers children or families.

15 (j) The Department may provide categories of financial
16 assistance and education assistance grants, and shall
17 establish rules and regulations concerning the assistance and
18 grants, to persons who adopt children with physical or mental
19 disabilities, children who are older, or other hard-to-place
20 children who (i) immediately prior to their adoption were
21 youth in care or (ii) were determined eligible for financial
22 assistance with respect to a prior adoption and who become
23 available for adoption because the prior adoption has been
24 dissolved and the parental rights of the adoptive parents have
25 been terminated or because the child's adoptive parents have
26 died. The Department may continue to provide financial

1 assistance and education assistance grants for a child who was
2 determined eligible for financial assistance under this
3 subsection (j) in the interim period beginning when the
4 child's adoptive parents died and ending with the finalization
5 of the new adoption of the child by another adoptive parent or
6 parents. The Department may also provide categories of
7 financial assistance and education assistance grants, and
8 shall establish rules and regulations for the assistance and
9 grants, to persons appointed guardian of the person under
10 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
11 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
12 who were youth in care for 12 months immediately prior to the
13 appointment of the guardian.

14 The amount of assistance may vary, depending upon the
15 needs of the child and the adoptive parents, as set forth in
16 the annual assistance agreement. Special purpose grants are
17 allowed where the child requires special service but such
18 costs may not exceed the amounts which similar services would
19 cost the Department if it were to provide or secure them as
20 guardian of the child.

21 Any financial assistance provided under this subsection is
22 inalienable by assignment, sale, execution, attachment,
23 garnishment, or any other remedy for recovery or collection of
24 a judgment or debt.

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

3 (k) The Department shall accept for care and training any
4 child who has been adjudicated neglected or abused, or
5 dependent committed to it pursuant to the Juvenile Court Act
6 or the Juvenile Court Act of 1987.

7 (l) The Department shall offer family preservation
8 services, as defined in Section 8.2 of the Abused and
9 Neglected Child Reporting Act, to help families, including
10 adoptive and extended families. Family preservation services
11 shall be offered (i) to prevent the placement of children in
12 substitute care when the children can be cared for at home or
13 in the custody of the person responsible for the children's
14 welfare, (ii) to reunite children with their families, or
15 (iii) to maintain an adoptive placement. Family preservation
16 services shall only be offered when doing so will not endanger
17 the children's health or safety. With respect to children who
18 are in substitute care pursuant to the Juvenile Court Act of
19 1987, family preservation services shall not be offered if a
20 goal other than those of subdivisions (A), (B), or (B-1) of
21 subsection (2) of Section 2-28 of that Act has been set, except
22 that reunification services may be offered as provided in
23 paragraph (F) of subsection (2) of Section 2-28 of that Act.
24 Nothing in this paragraph shall be construed to create a
25 private right of action or claim on the part of any individual
26 or child welfare agency, except that when a child is the

1 subject of an action under Article II of the Juvenile Court Act
2 of 1987 and the child's service plan calls for services to
3 facilitate achievement of the permanency goal, the court
4 hearing the action under Article II of the Juvenile Court Act
5 of 1987 may order the Department to provide the services set
6 out in the plan, if those services are not provided with
7 reasonable promptness and if those services are available.

8 The Department shall notify the child and the child's ~~his~~
9 family of the Department's responsibility to offer and provide
10 family preservation services as identified in the service
11 plan. The child and the child's ~~his~~ family shall be eligible
12 for services as soon as the report is determined to be
13 "indicated". The Department may offer services to any child or
14 family with respect to whom a report of suspected child abuse
15 or neglect has been filed, prior to concluding its
16 investigation under Section 7.12 of the Abused and Neglected
17 Child Reporting Act. However, the child's or family's
18 willingness to accept services shall not be considered in the
19 investigation. The Department may also provide services to any
20 child or family who is the subject of any report of suspected
21 child abuse or neglect or may refer such child or family to
22 services available from other agencies in the community, even
23 if the report is determined to be unfounded, if the conditions
24 in the child's or family's home are reasonably likely to
25 subject the child or family to future reports of suspected
26 child abuse or neglect. Acceptance of such services shall be

1 voluntary. The Department may also provide services to any
2 child or family after completion of a family assessment, as an
3 alternative to an investigation, as provided under the
4 "differential response program" provided for in subsection
5 (a-5) of Section 7.4 of the Abused and Neglected Child
6 Reporting Act.

7 The Department may, at its discretion except for those
8 children also adjudicated neglected or dependent, accept for
9 care and training any child who has been adjudicated addicted,
10 as a truant minor in need of supervision or as a minor
11 requiring authoritative intervention, under the Juvenile Court
12 Act or the Juvenile Court Act of 1987, but no such child shall
13 be committed to the Department by any court without the
14 approval of the Department. On and after January 1, 2015 (the
15 effective date of Public Act 98-803) and before January 1,
16 2017, a minor charged with a criminal offense under the
17 Criminal Code of 1961 or the Criminal Code of 2012 or
18 adjudicated delinquent shall not be placed in the custody of
19 or committed to the Department by any court, except (i) a minor
20 less than 16 years of age committed to the Department under
21 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
22 for whom an independent basis of abuse, neglect, or dependency
23 exists, which must be defined by departmental rule, or (iii) a
24 minor for whom the court has granted a supplemental petition
25 to reinstate wardship pursuant to subsection (2) of Section
26 2-33 of the Juvenile Court Act of 1987. On and after January 1,

1 2017, a minor charged with a criminal offense under the
2 Criminal Code of 1961 or the Criminal Code of 2012 or
3 adjudicated delinquent shall not be placed in the custody of
4 or committed to the Department by any court, except (i) a minor
5 less than 15 years of age committed to the Department under
6 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
7 for whom an independent basis of abuse, neglect, or dependency
8 exists, which must be defined by departmental rule, or (iii) a
9 minor for whom the court has granted a supplemental petition
10 to reinstate wardship pursuant to subsection (2) of Section
11 2-33 of the Juvenile Court Act of 1987. An independent basis
12 exists when the allegations or adjudication of abuse, neglect,
13 or dependency do not arise from the same facts, incident, or
14 circumstances which give rise to a charge or adjudication of
15 delinquency. The Department shall assign a caseworker to
16 attend any hearing involving a youth in the care and custody of
17 the Department who is placed on aftercare release, including
18 hearings involving sanctions for violation of aftercare
19 release conditions and aftercare release revocation hearings.

20 As soon as is possible after August 7, 2009 (the effective
21 date of Public Act 96-134), the Department shall develop and
22 implement a special program of family preservation services to
23 support intact, foster, and adoptive families who are
24 experiencing extreme hardships due to the difficulty and
25 stress of caring for a child who has been diagnosed with a
26 pervasive developmental disorder if the Department determines

1 that those services are necessary to ensure the health and
2 safety of the child. The Department may offer services to any
3 family whether or not a report has been filed under the Abused
4 and Neglected Child Reporting Act. The Department may refer
5 the child or family to services available from other agencies
6 in the community if the conditions in the child's or family's
7 home are reasonably likely to subject the child or family to
8 future reports of suspected child abuse or neglect. Acceptance
9 of these services shall be voluntary. The Department shall
10 develop and implement a public information campaign to alert
11 health and social service providers and the general public
12 about these special family preservation services. The nature
13 and scope of the services offered and the number of families
14 served under the special program implemented under this
15 paragraph shall be determined by the level of funding that the
16 Department annually allocates for this purpose. The term
17 "pervasive developmental disorder" under this paragraph means
18 a neurological condition, including, but not limited to,
19 Asperger's Syndrome and autism, as defined in the most recent
20 edition of the Diagnostic and Statistical Manual of Mental
21 Disorders of the American Psychiatric Association.

22 (1-1) The legislature recognizes that the best interests
23 of the child require that the child be placed in the most
24 permanent living arrangement as soon as is practically
25 possible. To achieve this goal, the legislature directs the
26 Department of Children and Family Services to conduct

1 concurrent planning so that permanency may occur at the
2 earliest opportunity. Permanent living arrangements may
3 include prevention of placement of a child outside the home of
4 the family when the child can be cared for at home without
5 endangering the child's health or safety; reunification with
6 the family, when safe and appropriate, if temporary placement
7 is necessary; or movement of the child toward the most
8 permanent living arrangement and permanent legal status.

9 When determining reasonable efforts to be made with
10 respect to a child, as described in this subsection, and in
11 making such reasonable efforts, the child's health and safety
12 shall be the paramount concern.

13 When a child is placed in foster care, the Department
14 shall ensure and document that reasonable efforts were made to
15 prevent or eliminate the need to remove the child from the
16 child's home. The Department must make reasonable efforts to
17 reunify the family when temporary placement of the child
18 occurs unless otherwise required, pursuant to the Juvenile
19 Court Act of 1987. At any time after the dispositional hearing
20 where the Department believes that further reunification
21 services would be ineffective, it may request a finding from
22 the court that reasonable efforts are no longer appropriate.
23 The Department is not required to provide further
24 reunification services after such a finding.

25 A decision to place a child in substitute care shall be
26 made with considerations of the child's health, safety, and

1 best interests. At the time of placement, consideration should
2 also be given so that if reunification fails or is delayed, the
3 placement made is the best available placement to provide
4 permanency for the child.

5 The Department shall adopt rules addressing concurrent
6 planning for reunification and permanency. The Department
7 shall consider the following factors when determining
8 appropriateness of concurrent planning:

9 (1) the likelihood of prompt reunification;

10 (2) the past history of the family;

11 (3) the barriers to reunification being addressed by
12 the family;

13 (4) the level of cooperation of the family;

14 (5) the foster parents' willingness to work with the
15 family to reunite;

16 (6) the willingness and ability of the foster family
17 to provide an adoptive home or long-term placement;

18 (7) the age of the child;

19 (8) placement of siblings.

20 (m) The Department may assume temporary custody of any
21 child if:

22 (1) it has received a written consent to such
23 temporary custody signed by the parents of the child or by
24 the parent having custody of the child if the parents are
25 not living together or by the guardian or custodian of the
26 child if the child is not in the custody of either parent,

1 or

2 (2) the child is found in the State and neither a
3 parent, guardian nor custodian of the child can be
4 located.

5 If the child is found in the child's ~~his or her~~ residence
6 without a parent, guardian, custodian, or responsible
7 caretaker, the Department may, instead of removing the child
8 and assuming temporary custody, place an authorized
9 representative of the Department in that residence until such
10 time as a parent, guardian, or custodian enters the home and
11 expresses a willingness and apparent ability to ensure the
12 child's health and safety and resume permanent charge of the
13 child, or until a relative enters the home and is willing and
14 able to ensure the child's health and safety and assume charge
15 of the child until a parent, guardian, or custodian enters the
16 home and expresses such willingness and ability to ensure the
17 child's safety and resume permanent charge. After a caretaker
18 has remained in the home for a period not to exceed 12 hours,
19 the Department must follow those procedures outlined in
20 Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of
21 1987.

22 The Department shall have the authority, responsibilities
23 and duties that a legal custodian of the child would have
24 pursuant to subsection (9) of Section 1-3 of the Juvenile
25 Court Act of 1987. Whenever a child is taken into temporary
26 custody pursuant to an investigation under the Abused and

1 Neglected Child Reporting Act, or pursuant to a referral and
2 acceptance under the Juvenile Court Act of 1987 of a minor in
3 limited custody, the Department, during the period of
4 temporary custody and before the child is brought before a
5 judicial officer as required by Section 2-9, 3-11, 4-8, or
6 5-415 of the Juvenile Court Act of 1987, shall have the
7 authority, responsibilities and duties that a legal custodian
8 of the child would have under subsection (9) of Section 1-3 of
9 the Juvenile Court Act of 1987.

10 The Department shall ensure that any child taken into
11 custody is scheduled for an appointment for a medical
12 examination.

13 A parent, guardian, or custodian of a child in the
14 temporary custody of the Department who would have custody of
15 the child if the child ~~he~~ were not in the temporary custody of
16 the Department may deliver to the Department a signed request
17 that the Department surrender the temporary custody of the
18 child. The Department may retain temporary custody of the
19 child for 10 days after the receipt of the request, during
20 which period the Department may cause to be filed a petition
21 pursuant to the Juvenile Court Act of 1987. If a petition is so
22 filed, the Department shall retain temporary custody of the
23 child until the court orders otherwise. If a petition is not
24 filed within the 10-day period, the child shall be surrendered
25 to the custody of the requesting parent, guardian, or
26 custodian not later than the expiration of the 10-day period,

1 at which time the authority and duties of the Department with
2 respect to the temporary custody of the child shall terminate.

3 (m-1) The Department may place children under 18 years of
4 age in a secure child care facility licensed by the Department
5 that cares for children who are in need of secure living
6 arrangements for their health, safety, and well-being after a
7 determination is made by the facility director and the
8 Director or the Director's designate prior to admission to the
9 facility subject to Section 2-27.1 of the Juvenile Court Act
10 of 1987. This subsection (m-1) does not apply to a child who is
11 subject to placement in a correctional facility operated
12 pursuant to Section 3-15-2 of the Unified Code of Corrections,
13 unless the child is a youth in care who was placed in the care
14 of the Department before being subject to placement in a
15 correctional facility and a court of competent jurisdiction
16 has ordered placement of the child in a secure care facility.

17 (n) The Department may place children under 18 years of
18 age in licensed child care facilities when in the opinion of
19 the Department, appropriate services aimed at family
20 preservation have been unsuccessful and cannot ensure the
21 child's health and safety or are unavailable and such
22 placement would be for their best interest. Payment for board,
23 clothing, care, training and supervision of any child placed
24 in a licensed child care facility may be made by the
25 Department, by the parents or guardians of the estates of
26 those children, or by both the Department and the parents or

1 guardians, except that no payments shall be made by the
2 Department for any child placed in a licensed child care
3 facility for board, clothing, care, training and supervision
4 of such a child that exceed the average per capita cost of
5 maintaining and of caring for a child in institutions for
6 dependent or neglected children operated by the Department.
7 However, such restriction on payments does not apply in cases
8 where children require specialized care and treatment for
9 problems of severe emotional disturbance, physical disability,
10 social adjustment, or any combination thereof and suitable
11 facilities for the placement of such children are not
12 available at payment rates within the limitations set forth in
13 this Section. All reimbursements for services delivered shall
14 be absolutely inalienable by assignment, sale, attachment, or
15 garnishment or otherwise.

16 (n-1) The Department shall provide or authorize child
17 welfare services, aimed at assisting minors to achieve
18 sustainable self-sufficiency as independent adults, for any
19 minor eligible for the reinstatement of wardship pursuant to
20 subsection (2) of Section 2-33 of the Juvenile Court Act of
21 1987, whether or not such reinstatement is sought or allowed,
22 provided that the minor consents to such services and has not
23 yet attained the age of 21. The Department shall have
24 responsibility for the development and delivery of services
25 under this Section. An eligible youth may access services
26 under this Section through the Department of Children and

1 Family Services or by referral from the Department of Human
2 Services. Youth participating in services under this Section
3 shall cooperate with the assigned case manager in developing
4 an agreement identifying the services to be provided and how
5 the youth will increase skills to achieve self-sufficiency. A
6 homeless shelter is not considered appropriate housing for any
7 youth receiving child welfare services under this Section. The
8 Department shall continue child welfare services under this
9 Section to any eligible minor until the minor becomes 21 years
10 of age, no longer consents to participate, or achieves
11 self-sufficiency as identified in the minor's service plan.
12 The Department of Children and Family Services shall create
13 clear, readable notice of the rights of former foster youth to
14 child welfare services under this Section and how such
15 services may be obtained. The Department of Children and
16 Family Services and the Department of Human Services shall
17 disseminate this information statewide. The Department shall
18 adopt regulations describing services intended to assist
19 minors in achieving sustainable self-sufficiency as
20 independent adults.

21 (o) The Department shall establish an administrative
22 review and appeal process for children and families who
23 request or receive child welfare services from the Department.
24 Youth in care who are placed by private child welfare
25 agencies, and foster families with whom those youth are
26 placed, shall be afforded the same procedural and appeal

1 rights as children and families in the case of placement by the
2 Department, including the right to an initial review of a
3 private agency decision by that agency. The Department shall
4 ensure that any private child welfare agency, which accepts
5 youth in care for placement, affords those rights to children
6 and foster families. The Department shall accept for
7 administrative review and an appeal hearing a complaint made
8 by (i) a child or foster family concerning a decision
9 following an initial review by a private child welfare agency
10 or (ii) a prospective adoptive parent who alleges a violation
11 of subsection (j-5) of this Section. An appeal of a decision
12 concerning a change in the placement of a child shall be
13 conducted in an expedited manner. A court determination that a
14 current foster home placement is necessary and appropriate
15 under Section 2-28 of the Juvenile Court Act of 1987 does not
16 constitute a judicial determination on the merits of an
17 administrative appeal, filed by a former foster parent,
18 involving a change of placement decision.

19 (p) (Blank).

20 (q) The Department may receive and use, in their entirety,
21 for the benefit of children any gift, donation, or bequest of
22 money or other property which is received on behalf of such
23 children, or any financial benefits to which such children are
24 or may become entitled while under the jurisdiction or care of
25 the Department.

26 The Department shall set up and administer no-cost,

1 interest-bearing accounts in appropriate financial
2 institutions for children for whom the Department is legally
3 responsible and who have been determined eligible for
4 Veterans' Benefits, Social Security benefits, assistance
5 allotments from the armed forces, court ordered payments,
6 parental voluntary payments, Supplemental Security Income,
7 Railroad Retirement payments, Black Lung benefits, or other
8 miscellaneous payments. Interest earned by each account shall
9 be credited to the account, unless disbursed in accordance
10 with this subsection.

11 In disbursing funds from children's accounts, the
12 Department shall:

13 (1) Establish standards in accordance with State and
14 federal laws for disbursing money from children's
15 accounts. In all circumstances, the Department's
16 ~~"Guardianship Administrator"~~ or Guardianship
17 Administrator's ~~his or her~~ designee must approve
18 disbursements from children's accounts. The Department
19 shall be responsible for keeping complete records of all
20 disbursements for each account for any purpose.

21 (2) Calculate on a monthly basis the amounts paid from
22 State funds for the child's board and care, medical care
23 not covered under Medicaid, and social services; and
24 utilize funds from the child's account, as covered by
25 regulation, to reimburse those costs. Monthly,
26 disbursements from all children's accounts, up to 1/12 of

1 \$13,000,000, shall be deposited by the Department into the
2 General Revenue Fund and the balance over 1/12 of
3 \$13,000,000 into the DCFS Children's Services Fund.

4 (3) Maintain any balance remaining after reimbursing
5 for the child's costs of care, as specified in item (2).
6 The balance shall accumulate in accordance with relevant
7 State and federal laws and shall be disbursed to the child
8 or the child's ~~his or her~~ guardian, or to the issuing
9 agency.

10 (r) The Department shall promulgate regulations
11 encouraging all adoption agencies to voluntarily forward to
12 the Department or its agent names and addresses of all persons
13 who have applied for and have been approved for adoption of a
14 hard-to-place child or child with a disability and the names
15 of such children who have not been placed for adoption. A list
16 of such names and addresses shall be maintained by the
17 Department or its agent, and coded lists which maintain the
18 confidentiality of the person seeking to adopt the child and
19 of the child shall be made available, without charge, to every
20 adoption agency in the State to assist the agencies in placing
21 such children for adoption. The Department may delegate to an
22 agent its duty to maintain and make available such lists. The
23 Department shall ensure that such agent maintains the
24 confidentiality of the person seeking to adopt the child and
25 of the child.

26 (s) The Department of Children and Family Services may

1 establish and implement a program to reimburse Department and
2 private child welfare agency foster parents licensed by the
3 Department of Children and Family Services for damages
4 sustained by the foster parents as a result of the malicious or
5 negligent acts of foster children, as well as providing third
6 party coverage for such foster parents with regard to actions
7 of foster children to other individuals. Such coverage will be
8 secondary to the foster parent liability insurance policy, if
9 applicable. The program shall be funded through appropriations
10 from the General Revenue Fund, specifically designated for
11 such purposes.

12 (t) The Department shall perform home studies and
13 investigations and shall exercise supervision over visitation
14 as ordered by a court pursuant to the Illinois Marriage and
15 Dissolution of Marriage Act or the Adoption Act only if:

16 (1) an order entered by an Illinois court specifically
17 directs the Department to perform such services; and

18 (2) the court has ordered one or both of the parties to
19 the proceeding to reimburse the Department for its
20 reasonable costs for providing such services in accordance
21 with Department rules, or has determined that neither
22 party is financially able to pay.

23 The Department shall provide written notification to the
24 court of the specific arrangements for supervised visitation
25 and projected monthly costs within 60 days of the court order.
26 The Department shall send to the court information related to

1 the costs incurred except in cases where the court has
2 determined the parties are financially unable to pay. The
3 court may order additional periodic reports as appropriate.

4 (u) In addition to other information that must be
5 provided, whenever the Department places a child with a
6 prospective adoptive parent or parents, in a licensed foster
7 home, group home, or child care institution, or in a relative
8 home, the Department shall provide to the prospective adoptive
9 parent or parents or other caretaker:

10 (1) available detailed information concerning the
11 child's educational and health history, copies of
12 immunization records (including insurance and medical card
13 information), a history of the child's previous
14 placements, if any, and reasons for placement changes
15 excluding any information that identifies or reveals the
16 location of any previous caretaker;

17 (2) a copy of the child's portion of the client
18 service plan, including any visitation arrangement, and
19 all amendments or revisions to it as related to the child;
20 and

21 (3) information containing details of the child's
22 individualized educational plan when the child is
23 receiving special education services.

24 The caretaker shall be informed of any known social or
25 behavioral information (including, but not limited to,
26 criminal background, fire setting, perpetuation of sexual

1 abuse, destructive behavior, and substance abuse) necessary to
2 care for and safeguard the children to be placed or currently
3 in the home. The Department may prepare a written summary of
4 the information required by this paragraph, which may be
5 provided to the foster or prospective adoptive parent in
6 advance of a placement. The foster or prospective adoptive
7 parent may review the supporting documents in the child's file
8 in the presence of casework staff. In the case of an emergency
9 placement, casework staff shall at least provide known
10 information verbally, if necessary, and must subsequently
11 provide the information in writing as required by this
12 subsection.

13 The information described in this subsection shall be
14 provided in writing. In the case of emergency placements when
15 time does not allow prior review, preparation, and collection
16 of written information, the Department shall provide such
17 information as it becomes available. Within 10 business days
18 after placement, the Department shall obtain from the
19 prospective adoptive parent or parents or other caretaker a
20 signed verification of receipt of the information provided.
21 Within 10 business days after placement, the Department shall
22 provide to the child's guardian ad litem a copy of the
23 information provided to the prospective adoptive parent or
24 parents or other caretaker. The information provided to the
25 prospective adoptive parent or parents or other caretaker
26 shall be reviewed and approved regarding accuracy at the

1 supervisory level.

2 (u-5) Effective July 1, 1995, only foster care placements
3 licensed as foster family homes pursuant to the Child Care Act
4 of 1969 shall be eligible to receive foster care payments from
5 the Department. Relative caregivers who, as of July 1, 1995,
6 were approved pursuant to approved relative placement rules
7 previously promulgated by the Department at 89 Ill. Adm. Code
8 335 and had submitted an application for licensure as a foster
9 family home may continue to receive foster care payments only
10 until the Department determines that they may be licensed as a
11 foster family home or that their application for licensure is
12 denied or until September 30, 1995, whichever occurs first.

13 (v) The Department shall access criminal history record
14 information as defined in the Illinois Uniform Conviction
15 Information Act and information maintained in the adjudicatory
16 and dispositional record system as defined in Section 2605-355
17 of the Illinois State Police Law if the Department determines
18 the information is necessary to perform its duties under the
19 Abused and Neglected Child Reporting Act, the Child Care Act
20 of 1969, and the Children and Family Services Act. The
21 Department shall provide for interactive computerized
22 communication and processing equipment that permits direct
23 on-line communication with the Illinois State Police's central
24 criminal history data repository. The Department shall comply
25 with all certification requirements and provide certified
26 operators who have been trained by personnel from the Illinois

1 State Police. In addition, one Office of the Inspector General
2 investigator shall have training in the use of the criminal
3 history information access system and have access to the
4 terminal. The Department of Children and Family Services and
5 its employees shall abide by rules and regulations established
6 by the Illinois State Police relating to the access and
7 dissemination of this information.

8 (v-1) Prior to final approval for placement of a child,
9 the Department shall conduct a criminal records background
10 check of the prospective foster or adoptive parent, including
11 fingerprint-based checks of national crime information
12 databases. Final approval for placement shall not be granted
13 if the record check reveals a felony conviction for child
14 abuse or neglect, for spousal abuse, for a crime against
15 children, or for a crime involving violence, including rape,
16 sexual assault, or homicide, but not including other physical
17 assault or battery, or if there is a felony conviction for
18 physical assault, battery, or a drug-related offense committed
19 within the past 5 years.

20 (v-2) Prior to final approval for placement of a child,
21 the Department shall check its child abuse and neglect
22 registry for information concerning prospective foster and
23 adoptive parents, and any adult living in the home. If any
24 prospective foster or adoptive parent or other adult living in
25 the home has resided in another state in the preceding 5 years,
26 the Department shall request a check of that other state's

1 child abuse and neglect registry.

2 (w) Within 120 days of August 20, 1995 (the effective date
3 of Public Act 89-392), the Department shall prepare and submit
4 to the Governor and the General Assembly, a written plan for
5 the development of in-state licensed secure child care
6 facilities that care for children who are in need of secure
7 living arrangements for their health, safety, and well-being.
8 For purposes of this subsection, secure care facility shall
9 mean a facility that is designed and operated to ensure that
10 all entrances and exits from the facility, a building or a
11 distinct part of the building, are under the exclusive control
12 of the staff of the facility, whether or not the child has the
13 freedom of movement within the perimeter of the facility,
14 building, or distinct part of the building. The plan shall
15 include descriptions of the types of facilities that are
16 needed in Illinois; the cost of developing these secure care
17 facilities; the estimated number of placements; the potential
18 cost savings resulting from the movement of children currently
19 out-of-state who are projected to be returned to Illinois; the
20 necessary geographic distribution of these facilities in
21 Illinois; and a proposed timetable for development of such
22 facilities.

23 (x) The Department shall conduct annual credit history
24 checks to determine the financial history of children placed
25 under its guardianship pursuant to the Juvenile Court Act of
26 1987. The Department shall conduct such credit checks starting

1 when a youth in care turns 12 years old and each year
2 thereafter for the duration of the guardianship as terminated
3 pursuant to the Juvenile Court Act of 1987. The Department
4 shall determine if financial exploitation of the child's
5 personal information has occurred. If financial exploitation
6 appears to have taken place or is presently ongoing, the
7 Department shall notify the proper law enforcement agency, the
8 proper State's Attorney, or the Attorney General.

9 (y) Beginning on July 22, 2010 (the effective date of
10 Public Act 96-1189), a child with a disability who receives
11 residential and educational services from the Department shall
12 be eligible to receive transition services in accordance with
13 Article 14 of the School Code from the age of 14.5 through age
14 21, inclusive, notwithstanding the child's residential
15 services arrangement. For purposes of this subsection, "child
16 with a disability" means a child with a disability as defined
17 by the federal Individuals with Disabilities Education
18 Improvement Act of 2004.

19 (z) The Department shall access criminal history record
20 information as defined as "background information" in this
21 subsection and criminal history record information as defined
22 in the Illinois Uniform Conviction Information Act for each
23 Department employee or Department applicant. Each Department
24 employee or Department applicant shall submit the employee's
25 or applicant's ~~his or her~~ fingerprints to the Illinois State
26 Police in the form and manner prescribed by the Illinois State

1 Police. These fingerprints shall be checked against the
2 fingerprint records now and hereafter filed in the Illinois
3 State Police and the Federal Bureau of Investigation criminal
4 history records databases. The Illinois State Police shall
5 charge a fee for conducting the criminal history record check,
6 which shall be deposited into the State Police Services Fund
7 and shall not exceed the actual cost of the record check. The
8 Illinois State Police shall furnish, pursuant to positive
9 identification, all Illinois conviction information to the
10 Department of Children and Family Services.

11 For purposes of this subsection:

12 "Background information" means all of the following:

13 (i) Upon the request of the Department of Children and
14 Family Services, conviction information obtained from the
15 Illinois State Police as a result of a fingerprint-based
16 criminal history records check of the Illinois criminal
17 history records database and the Federal Bureau of
18 Investigation criminal history records database concerning
19 a Department employee or Department applicant.

20 (ii) Information obtained by the Department of
21 Children and Family Services after performing a check of
22 the Illinois State Police's Sex Offender Database, as
23 authorized by Section 120 of the Sex Offender Community
24 Notification Law, concerning a Department employee or
25 Department applicant.

26 (iii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Child Abuse and Neglect Tracking System (CANTS)
3 operated and maintained by the Department.

4 "Department employee" means a full-time or temporary
5 employee coded or certified within the State of Illinois
6 Personnel System.

7 "Department applicant" means an individual who has
8 conditional Department full-time or part-time work, a
9 contractor, an individual used to replace or supplement staff,
10 an academic intern, a volunteer in Department offices or on
11 Department contracts, a work-study student, an individual or
12 entity licensed by the Department, or an unlicensed service
13 provider who works as a condition of a contract or an agreement
14 and whose work may bring the unlicensed service provider into
15 contact with Department clients or client records.

16 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;
17 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.
18 8-20-21.)

19 (20 ILCS 505/5c)

20 Sec. 5c. Direct child welfare service employee license.

21 (a) By January 1, 2000, the Department, in consultation
22 with private child welfare agencies, shall develop and
23 implement a direct child welfare service employee license. By
24 January 1, 2001 all child protective investigators and
25 supervisors and child welfare specialists and supervisors

1 employed by the Department or its contractors shall be
2 required to demonstrate sufficient knowledge and skills to
3 obtain and maintain the license. The Direct Child Welfare
4 Service Employee License Board of the Department shall have
5 the authority to revoke or suspend the license of anyone who
6 after a hearing is found to be guilty of misfeasance. The
7 Department shall promulgate such rules as necessary to
8 implement this Section.

9 (b) If a direct child welfare service employee licensee is
10 expected to transport a child or children with a motor vehicle
11 in the course of performing the direct child welfare service
12 employee licensee's ~~his or her~~ duties, the Department must
13 verify that the licensee meets the requirements set forth in
14 Section 5.1 of the Child Care Act of 1969. The Department must
15 make that verification as to each such licensee every 2 years.
16 Upon the Department's request, the Secretary of State shall
17 provide the Department with the information necessary to
18 enable the Department to make the verifications required under
19 this subsection. If the Department discovers that a direct
20 child welfare service employee licensee has engaged in
21 transporting a child or children with a motor vehicle without
22 having a valid driver's license, the Department shall
23 immediately revoke the individual's direct child welfare
24 service employee license.

25 (c) On or before January 1, 2000, and every year
26 thereafter, the Department shall submit an annual report to

1 the General Assembly on the implementation of this Section.

2 (Source: P.A. 94-943, eff. 1-1-07.)

3 (20 ILCS 505/5d)

4 Sec. 5d. The Direct Child Welfare Service Employee License
5 Board.

6 (a) For purposes of this Section:

7 (1) "Board" means the Direct Child Welfare Service
8 Employee License Board.

9 (2) "Director" means the Director of Children and
10 Family Services.

11 (b) The Direct Child Welfare Service Employee License
12 Board is created within the Department of Children and Family
13 Services and shall consist of 9 members appointed by the
14 Director. The Director shall annually designate a chairperson
15 and vice-chairperson of the Board. The membership of the Board
16 must be composed as follows: (i) 5 licensed professionals from
17 the field of human services with a human services, juris
18 doctor, medical, public administration, or other relevant
19 human services degree and who are in good standing within
20 their profession, at least 2 of which must be employed in the
21 private not-for-profit sector and at least one of which in the
22 public sector; (ii) 2 faculty members of an accredited
23 university who have child welfare experience and are in good
24 standing within their profession and (iii) 2 members of the
25 general public who are not licensed under this Act or a similar

1 rule and will represent consumer interests.

2 In making the first appointments, the Director shall
3 appoint 3 members to serve for a term of one year, 3 members to
4 serve for a term of 2 years, and 3 members to serve for a term
5 of 3 years, or until their successors are appointed and
6 qualified. Their successors shall be appointed to serve 3-year
7 terms, or until their successors are appointed and qualified.
8 Appointments to fill unexpired vacancies shall be made in the
9 same manner as original appointments. No member may be
10 reappointed if a reappointment would cause that member to
11 serve on the Board for longer than 6 consecutive years. Board
12 membership must have reasonable representation from different
13 geographic areas of Illinois, and all members must be
14 residents of this State.

15 The Director may terminate the appointment of any member
16 for good cause, including but not limited to (i) unjustified
17 absences from Board meetings or other failure to meet Board
18 responsibilities, (ii) failure to recuse oneself ~~himself or~~
19 ~~herself~~ when required by subsection (c) of this Section or
20 Department rule, or (iii) failure to maintain the professional
21 position required by Department rule. No member of the Board
22 may have a pending or indicated report of child abuse or
23 neglect or a pending complaint or criminal conviction of any
24 of the offenses set forth in paragraph (b) of Section 4.2 of
25 the Child Care Act of 1969.

26 The members of the Board shall receive no compensation for

1 the performance of their duties as members, but each member
2 shall be reimbursed for the member's ~~his or her~~ reasonable and
3 necessary expenses incurred in attending the meetings of the
4 Board.

5 (c) The Board shall make recommendations to the Director
6 regarding licensure rules. Board members must recuse
7 themselves from sitting on any matter involving an employee of
8 a child welfare agency at which the Board member is an employee
9 or contractual employee. The Board shall make a final
10 determination concerning revocation, suspension, or
11 reinstatement of an employee's direct child welfare service
12 license after a hearing conducted under the Department's
13 rules. Upon notification of the manner of the vote to all the
14 members, votes on a final determination may be cast in person,
15 by telephonic or electronic means, or by mail at the
16 discretion of the chairperson. A simple majority of the
17 members appointed and serving is required when Board members
18 vote by mail or by telephonic or electronic means. A majority
19 of the currently appointed and serving Board members
20 constitutes a quorum. A majority of a quorum is required when a
21 recommendation is voted on during a Board meeting. A vacancy
22 in the membership of the Board shall not impair the right of a
23 quorum to perform all the duties of the Board. Board members
24 are not personally liable in any action based upon a
25 disciplinary proceeding or otherwise for any action taken in
26 good faith as a member of the Board.

1 (d) The Director may assign Department employees to
2 provide staffing services to the Board. The Department must
3 promulgate any rules necessary to implement and administer the
4 requirements of this Section.

5 (Source: P.A. 102-45, eff. 1-1-22.)

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department
9 shall place the child, as far as possible, in the care and
10 custody of some individual holding the same religious belief
11 as the parents of the child, or with some child care facility
12 which is operated by persons of like religious faith as the
13 parents of such child.

14 (a-5) In placing a child under this Act, the Department
15 shall place the child with the child's sibling or siblings
16 under Section 7.4 of this Act unless the placement is not in
17 each child's best interest, or is otherwise not possible under
18 the Department's rules. If the child is not placed with a
19 sibling under the Department's rules, the Department shall
20 consider placements that are likely to develop, preserve,
21 nurture, and support sibling relationships, where doing so is
22 in each child's best interest.

23 (b) In placing a child under this Act, the Department may
24 place a child with a relative if the Department determines
25 that the relative will be able to adequately provide for the

1 child's safety and welfare based on the factors set forth in
2 the Department's rules governing relative placements, and that
3 the placement is consistent with the child's best interests,
4 taking into consideration the factors set out in subsection
5 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

6 When the Department first assumes custody of a child, in
7 placing that child under this Act, the Department shall make
8 reasonable efforts to identify, locate, and provide notice to
9 all adult grandparents and other adult relatives of the child
10 who are ready, willing, and able to care for the child. At a
11 minimum, these efforts shall be renewed each time the child
12 requires a placement change and it is appropriate for the
13 child to be cared for in a home environment. The Department
14 must document its efforts to identify, locate, and provide
15 notice to such potential relative placements and maintain the
16 documentation in the child's case file.

17 If the Department determines that a placement with any
18 identified relative is not in the child's best interests or
19 that the relative does not meet the requirements to be a
20 relative caregiver, as set forth in Department rules or by
21 statute, the Department must document the basis for that
22 decision and maintain the documentation in the child's case
23 file.

24 If, pursuant to the Department's rules, any person files
25 an administrative appeal of the Department's decision not to
26 place a child with a relative, it is the Department's burden to

1 prove that the decision is consistent with the child's best
2 interests.

3 When the Department determines that the child requires
4 placement in an environment, other than a home environment,
5 the Department shall continue to make reasonable efforts to
6 identify and locate relatives to serve as visitation resources
7 for the child and potential future placement resources, except
8 when the Department determines that those efforts would be
9 futile or inconsistent with the child's best interests.

10 If the Department determines that efforts to identify and
11 locate relatives would be futile or inconsistent with the
12 child's best interests, the Department shall document the
13 basis of its determination and maintain the documentation in
14 the child's case file.

15 If the Department determines that an individual or a group
16 of relatives are inappropriate to serve as visitation
17 resources or possible placement resources, the Department
18 shall document the basis of its determination and maintain the
19 documentation in the child's case file.

20 When the Department determines that an individual or a
21 group of relatives are appropriate to serve as visitation
22 resources or possible future placement resources, the
23 Department shall document the basis of its determination,
24 maintain the documentation in the child's case file, create a
25 visitation or transition plan, or both, and incorporate the
26 visitation or transition plan, or both, into the child's case

1 plan. For the purpose of this subsection, any determination as
2 to the child's best interests shall include consideration of
3 the factors set out in subsection (4.05) of Section 1-3 of the
4 Juvenile Court Act of 1987.

5 The Department may not place a child with a relative, with
6 the exception of certain circumstances which may be waived as
7 defined by the Department in rules, if the results of a check
8 of the Law Enforcement Agencies Data System (LEADS) identifies
9 a prior criminal conviction of the relative or any adult
10 member of the relative's household for any of the following
11 offenses under the Criminal Code of 1961 or the Criminal Code
12 of 2012:

- 13 (1) murder;
- 14 (1.1) solicitation of murder;
- 15 (1.2) solicitation of murder for hire;
- 16 (1.3) intentional homicide of an unborn child;
- 17 (1.4) voluntary manslaughter of an unborn child;
- 18 (1.5) involuntary manslaughter;
- 19 (1.6) reckless homicide;
- 20 (1.7) concealment of a homicidal death;
- 21 (1.8) involuntary manslaughter of an unborn child;
- 22 (1.9) reckless homicide of an unborn child;
- 23 (1.10) drug-induced homicide;
- 24 (2) a sex offense under Article 11, except offenses
25 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
26 11-40, and 11-45;

- 1 (3) kidnapping;
- 2 (3.1) aggravated unlawful restraint;
- 3 (3.2) forcible detention;
- 4 (3.3) aiding and abetting child abduction;
- 5 (4) aggravated kidnapping;
- 6 (5) child abduction;
- 7 (6) aggravated battery of a child as described in
- 8 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 9 (7) criminal sexual assault;
- 10 (8) aggravated criminal sexual assault;
- 11 (8.1) predatory criminal sexual assault of a child;
- 12 (9) criminal sexual abuse;
- 13 (10) aggravated sexual abuse;
- 14 (11) heinous battery as described in Section 12-4.1 or
- 15 subdivision (a) (2) of Section 12-3.05;
- 16 (12) aggravated battery with a firearm as described in
- 17 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 18 (e) (4) of Section 12-3.05;
- 19 (13) tampering with food, drugs, or cosmetics;
- 20 (14) drug-induced infliction of great bodily harm as
- 21 described in Section 12-4.7 or subdivision (g) (1) of
- 22 Section 12-3.05;
- 23 (15) aggravated stalking;
- 24 (16) home invasion;
- 25 (17) vehicular invasion;
- 26 (18) criminal transmission of HIV;

1 (19) criminal abuse or neglect of an elderly person or
2 person with a disability as described in Section 12-21 or
3 subsection (b) of Section 12-4.4a;

4 (20) child abandonment;

5 (21) endangering the life or health of a child;

6 (22) ritual mutilation;

7 (23) ritualized abuse of a child;

8 (24) an offense in any other state the elements of
9 which are similar and bear a substantial relationship to
10 any of the foregoing offenses.

11 For the purpose of this subsection, "relative" shall
12 include any person, 21 years of age or over, other than the
13 parent, who (i) is currently related to the child in any of the
14 following ways by blood or adoption: grandparent, sibling,
15 great-grandparent, parent's sibling, sibling's child, uncle,
16 ~~aunt, nephew, niece,~~ first cousin, second cousin, godparent,
17 or grandparent's sibling ~~great uncle, or great aunt;~~ or (ii)
18 is the spouse of such a relative; or (iii) is the child's
19 step-parent ~~step father, step mother,~~ or adult step-sibling
20 ~~step brother or step sister;~~ or (iv) is a fictive kin;
21 "relative" also includes a person related in any of the
22 foregoing ways to a sibling of a child, even though the person
23 is not related to the child, when the child and the child's ~~its~~
24 sibling are placed together with that person. For children who
25 have been in the guardianship of the Department, have been
26 adopted, and are subsequently returned to the temporary

1 custody or guardianship of the Department, a "relative" may
2 also include any person who would have qualified as a relative
3 under this paragraph prior to the adoption, but only if the
4 Department determines, and documents, that it would be in the
5 child's best interests to consider this person a relative,
6 based upon the factors for determining best interests set
7 forth in subsection (4.05) of Section 1-3 of the Juvenile
8 Court Act of 1987. A relative with whom a child is placed
9 pursuant to this subsection may, but is not required to, apply
10 for licensure as a foster family home pursuant to the Child
11 Care Act of 1969; provided, however, that as of July 1, 1995,
12 foster care payments shall be made only to licensed foster
13 family homes pursuant to the terms of Section 5 of this Act.

14 Notwithstanding any other provision under this subsection
15 to the contrary, a fictive kin with whom a child is placed
16 pursuant to this subsection shall apply for licensure as a
17 foster family home pursuant to the Child Care Act of 1969
18 within 6 months of the child's placement with the fictive kin.
19 The Department shall not remove a child from the home of a
20 fictive kin on the basis that the fictive kin fails to apply
21 for licensure within 6 months of the child's placement with
22 the fictive kin, or fails to meet the standard for licensure.
23 All other requirements established under the rules and
24 procedures of the Department concerning the placement of a
25 child, for whom the Department is legally responsible, with a
26 relative shall apply. By June 1, 2015, the Department shall

1 promulgate rules establishing criteria and standards for
2 placement, identification, and licensure of fictive kin.

3 For purposes of this subsection, "fictive kin" means any
4 individual, unrelated by birth or marriage, who:

5 (i) is shown to have significant and close personal or
6 emotional ties with the child or the child's family prior
7 to the child's placement with the individual; or

8 (ii) is the current foster parent of a child in the
9 custody or guardianship of the Department pursuant to this
10 Act and the Juvenile Court Act of 1987, if the child has
11 been placed in the home for at least one year and has
12 established a significant and family-like relationship
13 with the foster parent, and the foster parent has been
14 identified by the Department as the child's permanent
15 connection, as defined by Department rule.

16 The provisions added to this subsection (b) by Public Act
17 98-846 shall become operative on and after June 1, 2015.

18 (c) In placing a child under this Act, the Department
19 shall ensure that the child's health, safety, and best
20 interests are met. In rejecting placement of a child with an
21 identified relative, the Department shall ensure that the
22 child's health, safety, and best interests are met. In
23 evaluating the best interests of the child, the Department
24 shall take into consideration the factors set forth in
25 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
26 1987.

1 The Department shall consider the individual needs of the
2 child and the capacity of the prospective foster or adoptive
3 parents to meet the needs of the child. When a child must be
4 placed outside the child's ~~his or her~~ home and cannot be
5 immediately returned to the child's ~~his or her~~ parents or
6 guardian, a comprehensive, individualized assessment shall be
7 performed of that child at which time the needs of the child
8 shall be determined. Only if race, color, or national origin
9 is identified as a legitimate factor in advancing the child's
10 best interests shall it be considered. Race, color, or
11 national origin shall not be routinely considered in making a
12 placement decision. The Department shall make special efforts
13 for the diligent recruitment of potential foster and adoptive
14 families that reflect the ethnic and racial diversity of the
15 children for whom foster and adoptive homes are needed.
16 "Special efforts" shall include contacting and working with
17 community organizations and religious organizations and may
18 include contracting with those organizations, utilizing local
19 media and other local resources, and conducting outreach
20 activities.

21 (c-1) At the time of placement, the Department shall
22 consider concurrent planning, as described in subsection (l-1)
23 of Section 5, so that permanency may occur at the earliest
24 opportunity. Consideration should be given so that if
25 reunification fails or is delayed, the placement made is the
26 best available placement to provide permanency for the child.

1 To the extent that doing so is in the child's best interests as
2 set forth in subsection (4.05) of Section 1-3 of the Juvenile
3 Court Act of 1987, the Department should consider placements
4 that will permit the child to maintain a meaningful
5 relationship with the child's ~~his or her~~ parents.

6 (d) The Department may accept gifts, grants, offers of
7 services, and other contributions to use in making special
8 recruitment efforts.

9 (e) The Department in placing children in adoptive or
10 foster care homes may not, in any policy or practice relating
11 to the placement of children for adoption or foster care,
12 discriminate against any child or prospective adoptive or
13 foster parent on the basis of race.

14 (Source: P.A. 99-143, eff. 7-27-15; 99-340, eff. 1-1-16;
15 99-642, eff. 7-28-16; 99-836, eff. 1-1-17; 100-101, eff.
16 8-11-17.)

17 (20 ILCS 505/7.3)

18 Sec. 7.3. Placement plan. The Department shall develop and
19 implement a written plan for placing children. The plan shall
20 include at least the following features:

21 (1) A plan for recruiting minority adoptive and foster
22 families. The plan shall include strategies for using
23 existing resources in minority communities, use of
24 minority outreach staff whenever possible, use of minority
25 foster homes for placements after birth and before

1 adoption, and other techniques as appropriate.

2 (2) A plan for training adoptive and foster families
3 of minority children.

4 (3) A plan for employing social workers in adoption
5 and foster care. The plan shall include staffing goals and
6 objectives.

7 (4) A plan for ensuring that adoption and foster care
8 workers attend training offered or approved by the
9 Department regarding the State's goal of encouraging
10 cultural diversity and the needs of special needs
11 children.

12 (5) A plan that includes policies and procedures for
13 determining for each child requiring placement outside of
14 the child's ~~his or her~~ home, and who cannot be immediately
15 returned to the child's ~~his or her~~ parents or guardian,
16 the placement needs of that child. In the rare instance
17 when an individualized assessment identifies, documents,
18 and substantiates that race, color, or national origin is
19 a factor that needs to be considered in advancing a
20 particular child's best interests, it shall be considered
21 in making a placement.

22 (Source: P.A. 92-334, eff. 8-10-01.)

23 (20 ILCS 505/7.3a)

24 Sec. 7.3a. Normalcy parenting for children in foster care;
25 participation in childhood activities.

1 (a) Legislative findings.

2 (1) Every day parents make important decisions about
3 their child's participation in extracurricular activities.
4 Caregivers for children in out-of-home care are faced with
5 making the same decisions.

6 (2) When a caregiver makes decisions, the caregiver ~~he~~
7 ~~or she~~ must consider applicable laws, rules, and
8 regulations to safeguard the health, safety, and best
9 interests of a child in out-of-home care.

10 (3) Participation in extracurricular activities is
11 important to a child's well-being, not only emotionally,
12 but also in developing valuable life skills.

13 (4) The General Assembly recognizes the importance of
14 making every effort to normalize the lives of children in
15 out-of-home care and to empower a caregiver to approve or
16 not approve a child's participation in appropriate
17 extracurricular activities based on the caregiver's own
18 assessment using the reasonable and prudent parent
19 standard, without prior approval of the Department, the
20 caseworker, or the court.

21 (5) Nothing in this Section shall be presumed to
22 discourage or diminish the engagement of families and
23 guardians in the child's life activities.

24 (b) Definitions. As used in this Section:

25 "Appropriate activities" means activities or items that
26 are generally accepted as suitable for children of the same

1 chronological age or developmental level of maturity.
2 Appropriateness is based on the development of cognitive,
3 emotional, physical, and behavioral capacity that is typical
4 for an age or age group, taking into account the individual
5 child's cognitive, emotional, physical, and behavioral
6 development.

7 "Caregiver" means a person with whom the child is placed
8 in out-of-home care or a designated official for child care
9 facilities licensed by the Department as defined in the Child
10 Care Act of 1969.

11 "Reasonable and prudent parent standard" means the
12 standard characterized by careful and sensible parental
13 decisions that maintain the child's health, safety, and best
14 interests while at the same time supporting the child's
15 emotional and developmental growth that a caregiver shall use
16 when determining whether to allow a child in out-of-home care
17 to participate in extracurricular, enrichment, cultural, and
18 social activities.

19 (c) Requirements for decision-making.

20 (1) Each child who comes into the care and custody of
21 the Department is fully entitled to participate in
22 appropriate extracurricular, enrichment, cultural, and
23 social activities in a manner that allows that child to
24 participate in the child's ~~his or her~~ community to the
25 fullest extent possible.

26 (2) Caregivers must use the reasonable and prudent

1 parent standard in determining whether to give permission
2 for a child in out-of-home care to participate in
3 appropriate extracurricular, enrichment, cultural, and
4 social activities. Caregivers are expected to promote and
5 support a child's participation in such activities. When
6 using the reasonable and prudent parent standard, the
7 caregiver shall consider:

8 (A) the child's age, maturity, and developmental
9 level to promote the overall health, safety, and best
10 interests of the child;

11 (B) the best interest of the child based on
12 information known by the caregiver;

13 (C) the importance and fundamental value of
14 encouraging the child's emotional and developmental
15 growth gained through participation in activities in
16 the child's ~~his or her~~ community;

17 (D) the importance and fundamental value of
18 providing the child with the most family-like living
19 experience possible; and

20 (E) the behavioral history of the child and the
21 child's ability to safely participate in the proposed
22 activity.

23 (3) A caregiver is not liable for harm caused to a
24 child in out-of-home care who participates in an activity
25 approved by the caregiver, provided that the caregiver has
26 acted as a reasonable and prudent parent in permitting the

1 child to engage in the activity.

2 (c-5) No youth in care shall be required to store the
3 youth's ~~his or her~~ belongings in plastic bags or in similar
4 forms of disposable containers, including, but not limited to,
5 trash bags, paper or plastic shopping bags, or pillow cases
6 when relocating from one placement type to another placement
7 type or when discharged from the custody or guardianship of
8 the Department. The Department shall ensure that each youth in
9 care has appropriate baggage and other items to store the
10 youth's ~~his or her~~ belongings when moving through the State's
11 child welfare system. As used in this subsection, "purchase of
12 service agency" means any entity that contracts with the
13 Department to provide services that are consistent with the
14 purposes of this Act.

15 (d) Rulemaking. The Department shall adopt, by rule,
16 procedures no later than June 1, 2017 that promote and protect
17 the ability of children to participate in appropriate
18 extracurricular, enrichment, cultural, and social activities.

19 (e) The Department shall ensure that every youth in care
20 who is entering the youth's ~~his or her~~ final year of high
21 school has completed a Free Application for Federal Student
22 Aid form, if applicable, or an application for State financial
23 aid on or after October 1, but no later than November 1, of the
24 youth's final year of high school.

25 (Source: P.A. 102-70, eff. 1-1-22; 102-545, eff. 1-1-22;
26 revised 10-5-21.)

1 (20 ILCS 505/7.4)

2 Sec. 7.4. Development and preservation of sibling
3 relationships for children in care; placement of siblings;
4 contact among siblings placed apart.

5 (a) Purpose and policy. The General Assembly recognizes
6 that sibling relationships are unique and essential for a
7 person, but even more so for children who are removed from the
8 care of their families and placed in the State child welfare
9 system. When family separation occurs through State
10 intervention, every effort must be made to preserve, support
11 and nurture sibling relationships when doing so is in the best
12 interest of each sibling. It is in the interests of foster
13 children who are part of a sibling group to enjoy contact with
14 one another, as long as the contact is in each child's best
15 interest. This is true both while the siblings are in State
16 care and after one or all of the siblings leave State care
17 through adoption, guardianship, or aging out.

18 (b) Definitions. For purposes of this Section:

19 (1) Whenever a best interest determination is required
20 by this Section, the Department shall consider the factors
21 set out in subsection (4.05) of Section 1-3 of the
22 Juvenile Court Act of 1987 and the Department's rules
23 regarding Sibling Placement, 89 111. Admin. Code 301.70
24 and Sibling Visitation, 89 111. Admin. Code 301.220, and
25 the Department's rules regarding Placement Selection

1 Criteria, 89 111. Admin. Code 301.60.

2 (2) "Adopted child" means a child who, immediately
3 preceding the adoption, was in the custody or guardianship
4 of the Illinois Department of Children and Family Services
5 under Article II of the Juvenile Court Act of 1987.

6 (3) "Adoptive parent" means a person who has become a
7 parent through the legal process of adoption.

8 (4) "Child" means a person in the temporary custody or
9 guardianship of the Department who is under the age of 21.

10 (5) "Child placed in private guardianship" means a
11 child who, immediately preceding the guardianship, was in
12 the custody or guardianship of the Illinois Department of
13 Children and Family Services under Article II of the
14 Juvenile Court Act.

15 (6) "Contact" may include, but is not limited to
16 visits, telephone calls, letters, sharing of photographs
17 or information, e-mails, video conferencing, and other
18 form of communication or contact.

19 (7) "Legal guardian" means a person who has become the
20 legal guardian of a child who, immediately prior to the
21 guardianship, was in the custody or guardianship of the
22 Illinois Department of Children and Family Services under
23 Article II of the Juvenile Court Act of 1987.

24 (8) "Parent" means the child's mother or father who is
25 named as the respondent in proceedings conducted under
26 Article II of the Juvenile Court Act of 1987.

1 (9) "Post Permanency Sibling Contact" means contact
2 between siblings following the entry of a Judgment Order
3 for Adoption under Section 14 of the Adoption Act
4 regarding at least one sibling or an Order for
5 Guardianship appointing a private guardian under Section
6 2-27 or the Juvenile Court Act of 1987, regarding at least
7 one sibling. Post Permanency Sibling Contact may include,
8 but is not limited to, visits, telephone calls, letters,
9 sharing of photographs or information, emails, video
10 conferencing, and other forms ~~form~~ of communication or
11 connection agreed to by the parties to a Post Permanency
12 Sibling Contact Agreement.

13 (10) "Post Permanency Sibling Contact Agreement" means
14 a written agreement between the adoptive parent or
15 parents, the child, and the child's sibling regarding post
16 permanency contact between the adopted child and the
17 child's sibling, or a written agreement between the legal
18 guardians, the child, and the child's sibling regarding
19 post permanency contact between the child placed in
20 guardianship and the child's sibling. The Post Permanency
21 Sibling Contact Agreement may specify the nature and
22 frequency of contact between the adopted child or child
23 placed in guardianship and the child's sibling following
24 the entry of the Judgment Order for Adoption or Order for
25 Private Guardianship. The Post Permanency Sibling Contact
26 Agreement may be supported by services as specified in

1 this Section. The Post Permanency Sibling Contact
2 Agreement is voluntary on the part of the parties to the
3 Post Permanency Sibling Contact Agreement and is not a
4 requirement for finalization of the child's adoption or
5 guardianship. The Post Permanency Sibling Contract
6 Agreement shall not be enforceable in any court of law or
7 administrative forum and no cause of action shall be
8 brought to enforce the Agreement. When entered into, the
9 Post Permanency Sibling Contact Agreement shall be placed
10 in the child's Post Adoption or Guardianship case record
11 and in the case file of a sibling who is a party to the
12 agreement and who remains in the Department's custody or
13 guardianship.

14 (11) "Sibling Contact Support Plan" means a written
15 document that sets forth the plan for future contact
16 between siblings who are in the Department's care and
17 custody and residing separately. The goal of the Support
18 Plan is to develop or preserve and nurture the siblings'
19 relationships. The Support Plan shall set forth the role
20 of the foster parents, caregivers, and others in
21 implementing the Support Plan. The Support Plan must meet
22 the minimum standards regarding frequency of in-person
23 visits provided for in Department rule.

24 (12) "Siblings" means children who share at least one
25 parent in common. This definition of siblings applies
26 solely for purposes of placement and contact under this

1 Section. For purposes of this Section, children who share
2 at least one parent in common continue to be siblings
3 after their parent's parental rights are terminated, if
4 parental rights were terminated while a petition under
5 Article II of the Juvenile Court Act of 1987 was pending.
6 For purposes of this Section, children who share at least
7 one parent in common continue to be siblings after a
8 sibling is adopted or placed in private guardianship when
9 the adopted child or child placed in private guardianship
10 was in the Department's custody or guardianship under
11 Article II of the Juvenile Court Act of 1987 immediately
12 prior to the adoption or private guardianship. For
13 children who have been in the guardianship of the
14 Department under Article II of the Juvenile Court Act of
15 1987, have been adopted, and are subsequently returned to
16 the temporary custody or guardianship of the Department
17 under Article II of the Juvenile Court Act of 1987,
18 "siblings" includes a person who would have been
19 considered a sibling prior to the adoption and siblings
20 through adoption.

21 (c) No later than January 1, 2013, the Department shall
22 promulgate rules addressing the development and preservation
23 of sibling relationships. The rules shall address, at a
24 minimum:

25 (1) Recruitment, licensing, and support of foster
26 parents willing and capable of either fostering sibling

1 groups or supporting and being actively involved in
2 planning and executing sibling contact for siblings placed
3 apart. The rules shall address training for foster
4 parents, licensing workers, placement workers, and others
5 as deemed necessary.

6 (2) Placement selection for children who are separated
7 from their siblings and how to best promote placements of
8 children with foster parents or programs that can meet the
9 children's needs, including the need to develop and
10 maintain contact with siblings.

11 (3) State-supported guidance to siblings who have aged
12 out of state care regarding positive engagement with
13 siblings.

14 (4) Implementation of Post Permanency Sibling Contact
15 Agreements for children exiting State care, including
16 services offered by the Department to encourage and assist
17 parties in developing agreements, services offered by the
18 Department post permanency to support parties in
19 implementing and maintaining agreements, and including
20 services offered by the Department post permanency to
21 assist parties in amending agreements as necessary to meet
22 the needs of the children.

23 (5) Services offered by the Department for children
24 who exited foster care prior to the availability of Post
25 Permanency Sibling Contact Agreements, to invite willing
26 parties to participate in a facilitated discussion,

1 including, but not limited to, a mediation or joint team
2 decision-making meeting, to explore sibling contact.

3 (d) The Department shall develop a form to be provided to
4 youth entering care and exiting care explaining their rights
5 and responsibilities related to sibling visitation while in
6 care and post permanency.

7 (e) Whenever a child enters care or requires a new
8 placement, the Department shall consider the development and
9 preservation of sibling relationships.

10 (1) This subsection applies when a child entering care
11 or requiring a change of placement has siblings who are in
12 the custody or guardianship of the Department. When a
13 child enters care or requires a new placement, the
14 Department shall examine its files and other available
15 resources and determine whether a sibling of that child is
16 in the custody or guardianship of the Department. If the
17 Department determines that a sibling is in its custody or
18 guardianship, the Department shall then determine whether
19 it is in the best interests of each of the siblings for the
20 child needing placement to be placed with the sibling. If
21 the Department determines that it is in the best interest
22 of each sibling to be placed together, and the sibling's
23 foster parent is able and willing to care for the child
24 needing placement, the Department shall place the child
25 needing placement with the sibling. A determination that
26 it is not in a child's best interest to be placed with a

1 sibling shall be made in accordance with Department rules,
2 and documented in the file of each sibling.

3 (2) This subsection applies when a child who is
4 entering care has siblings who have been adopted or placed
5 in private guardianship. When a child enters care, the
6 Department shall examine its files and other available
7 resources, including consulting with the child's parents,
8 to determine whether a sibling of the child was adopted or
9 placed in private guardianship from State care. The
10 Department shall determine, in consultation with the
11 child's parents, whether it would be in the child's best
12 interests to explore placement with the adopted sibling or
13 sibling in guardianship. Unless the parent objects, if the
14 Department determines it is in the child's best interest
15 to explore the placement, the Department shall contact the
16 adoptive parents or guardians of the sibling, determine
17 whether they are willing to be considered as placement
18 resources for the child, and, if so, determine whether it
19 is in the best interests of the child to be placed in the
20 home with the sibling. If the Department determines that
21 it is in the child's best interests to be placed in the
22 home with the sibling, and the sibling's adoptive parents
23 or guardians are willing and capable, the Department shall
24 make the placement. A determination that it is not in a
25 child's best interest to be placed with a sibling shall be
26 made in accordance with Department rule, and documented in

1 the child's file.

2 (3) This subsection applies when a child in Department
3 custody or guardianship requires a change of placement,
4 and the child has siblings who have been adopted or placed
5 in private guardianship. When a child in care requires a
6 new placement, the Department may consider placing the
7 child with the adoptive parent or guardian of a sibling
8 under the same procedures and standards set forth in
9 paragraph (2) of this subsection.

10 (4) When the Department determines it is not in the
11 best interest of one or more siblings to be placed
12 together the Department shall ensure that the child
13 requiring placement is placed in a home or program where
14 the caregiver is willing and able to be actively involved
15 in supporting the sibling relationship to the extent doing
16 so is in the child's best interest.

17 (f) When siblings in care are placed in separate
18 placements, the Department shall develop a Sibling Contact
19 Support Plan. The Department shall convene a meeting to
20 develop the Support Plan. The meeting shall include, at a
21 minimum, the case managers for the siblings, the foster
22 parents or other care providers if a child is in a non-foster
23 home placement and the child, when developmentally and
24 clinically appropriate. The Department shall make all
25 reasonable efforts to promote the participation of the foster
26 parents. Parents whose parental rights are intact shall be

1 invited to the meeting. Others, such as therapists and
2 mentors, shall be invited as appropriate. The Support Plan
3 shall set forth future contact and visits between the siblings
4 to develop or preserve, and nurture the siblings'
5 relationships. The Support Plan shall set forth the role of
6 the foster parents and caregivers and others in implementing
7 the Support Plan. The Support Plan must meet the minimum
8 standards regarding frequency of in-person visits provided for
9 in Department rule. The Support Plan will be incorporated in
10 the child's service plan and reviewed at each administrative
11 case review. The Support Plan should be modified if one of the
12 children moves to a new placement, or as necessary to meet the
13 needs of the children. The Sibling Contact Support Plan for a
14 child in care may include siblings who are not in the care of
15 the Department, with the consent and participation of that
16 child's parent or guardian.

17 (g) By January 1, 2013, the Department shall develop a
18 registry so that placement information regarding adopted
19 siblings and siblings in private guardianship is readily
20 available to Department and private agency caseworkers
21 responsible for placing children in the Department's care.
22 When a child is adopted or placed in private guardianship from
23 foster care the Department shall inform the adoptive parents
24 or guardians that they may be contacted in the future
25 regarding placement of or contact with siblings subsequently
26 requiring placement.

1 (h) When a child is in need of an adoptive placement, the
2 Department shall examine its files and other available
3 resources and attempt to determine whether a sibling of the
4 child has been adopted or placed in private guardianship after
5 being in the Department's custody or guardianship. If the
6 Department determines that a sibling of the child has been
7 adopted or placed in private guardianship, the Department
8 shall make a good faith effort to locate the adoptive parents
9 or guardians of the sibling and inform them of the
10 availability of the child for adoption. The Department may
11 determine not to inform the adoptive parents or guardians of a
12 sibling of a child that the child is available for adoption
13 only for a reason permitted under criteria adopted by the
14 Department by rule, and documented in the child's case file.
15 If a child available for adoption has a sibling who has been
16 adopted or placed in guardianship, and the adoptive parents or
17 guardians of that sibling apply to adopt the child, the
18 Department shall consider them as adoptive applicants for the
19 adoption of the child. The Department's final decision as to
20 whether it will consent to the adoptive parents or guardians
21 of a sibling being the adoptive parents of the child shall be
22 based upon the welfare and best interest of the child. In
23 arriving at its decision, the Department shall consider all
24 relevant factors, including but not limited to:

25 (1) the wishes of the child;

26 (2) the interaction and interrelationship of the child

1 with the applicant to adopt the child;

2 (3) the child's need for stability and continuity of
3 relationship with parent figures;

4 (4) the child's adjustment to the child's ~~his or her~~
5 present home, school, and community;

6 (5) the mental and physical health of all individuals
7 involved;

8 (6) the family ties between the child and the child's
9 relatives, including siblings;

10 (7) the background, age, and living arrangements of
11 the applicant to adopt the child;

12 (8) a criminal background report of the applicant to
13 adopt the child.

14 If placement of the child available for adoption with the
15 adopted sibling or sibling in private guardianship is not
16 feasible, but it is in the child's best interest to develop a
17 relationship with the child's ~~his or her~~ sibling, the
18 Department shall invite the adoptive parents, guardian, or
19 guardians for a mediation or joint team decision-making
20 meeting to facilitate a discussion regarding future sibling
21 contact.

22 (i) Post Permanency Sibling Contact Agreement. When a
23 child in the Department's care has a permanency goal of
24 adoption or private guardianship, and the Department is
25 preparing to finalize the adoption or guardianship, the
26 Department shall convene a meeting with the pre-adoptive

1 parent or prospective guardian and the case manager for the
2 child being adopted or placed in guardianship and the foster
3 parents and case managers for the child's siblings, and others
4 as applicable. The children should participate as is
5 developmentally appropriate. Others, such as therapists and
6 mentors, may participate as appropriate. At the meeting the
7 Department shall encourage the parties to discuss sibling
8 contact post permanency. The Department may assist the parties
9 in drafting a Post Permanency Sibling Contact Agreement.

10 (1) Parties to the Post Permanency Sibling Contact
11 Agreement shall include:

12 (A) The adoptive parent or parents or guardian.

13 (B) The child's sibling or siblings, parents or
14 guardians.

15 (C) The child.

16 (2) Consent of child 14 and over. The written consent
17 of a child age 14 and over to the terms and conditions of
18 the Post Permanency Sibling Contact Agreement and
19 subsequent modifications is required.

20 (3) In developing this Agreement, the Department shall
21 encourage the parties to consider the following factors:

22 (A) the physical and emotional safety and welfare
23 of the child;

24 (B) the child's wishes;

25 (C) the interaction and interrelationship of the
26 child with the child's sibling or siblings who would

1 be visiting or communicating with the child,
2 including:

3 (i) the quality of the relationship between
4 the child and the sibling or siblings, and

5 (ii) the benefits and potential harms to the
6 child in allowing the relationship or
7 relationships to continue or in ending them;

8 (D) the child's sense of attachments to the birth
9 sibling or siblings and adoptive family, including:

10 (i) the child's sense of being valued;

11 (ii) the child's sense of familiarity; and

12 (iii) continuity of affection for the child;

13 and

14 (E) other factors relevant to the best interest of
15 the child.

16 (4) In considering the factors in paragraph (3) of
17 this subsection, the Department shall encourage the
18 parties to recognize the importance to a child of
19 developing a relationship with siblings including siblings
20 with whom the child does not yet have a relationship; and
21 the value of preserving family ties between the child and
22 the child's siblings, including:

23 (A) the child's need for stability and continuity
24 of relationships with siblings, and

25 (B) the importance of sibling contact in the
26 development of the child's identity.

1 (5) Modification or termination of Post Permanency
2 Sibling Contact Agreement. The parties to the agreement
3 may modify or terminate the Post Permanency Sibling
4 Contact Agreement. If the parties cannot agree to
5 modification or termination, they may request the
6 assistance of the Department of Children and Family
7 Services or another agency identified and agreed upon by
8 the parties to the Post Permanency Sibling Contact
9 Agreement. Any and all terms may be modified by agreement
10 of the parties. Post Permanency Sibling Contact Agreements
11 may also be modified to include contact with siblings
12 whose whereabouts were unknown or who had not yet been
13 born when the Judgment Order for Adoption or Order for
14 Private Guardianship was entered.

15 (6) Adoptions and private guardianships finalized
16 prior to the effective date of amendatory Act. Nothing in
17 this Section prohibits the parties from entering into a
18 Post Permanency Sibling Contact Agreement if the adoption
19 or private guardianship was finalized prior to the
20 effective date of this Section. If the Agreement is
21 completed and signed by the parties, the Department shall
22 include the Post Permanency Sibling Contact Agreement in
23 the child's Post Adoption or Private Guardianship case
24 record and in the case file of siblings who are parties to
25 the agreement who are in the Department's custody or
26 guardianship.

1 (Source: P.A. 97-1076, eff. 8-24-12; 98-463, eff. 8-16-13.)

2 (20 ILCS 505/7.8)

3 Sec. 7.8. Home safety checklist; aftercare services;
4 immunization checks.

5 (a) As used in this Section, "purchase of service agency"
6 means any entity that contracts with the Department to provide
7 services that are consistent with the purposes of this Act.

8 (b) Whenever a child is placed in the custody or
9 guardianship of the Department or a child is returned to the
10 custody of a parent or guardian and the court retains
11 jurisdiction of the case, the Department must ensure that the
12 child is up to date on the child's ~~his or her~~ well-child
13 visits, including age-appropriate immunizations, or that there
14 is a documented religious or medical reason the child did not
15 receive the immunizations.

16 (c) Whenever a child has been placed in foster or
17 substitute care by court order and the court later determines
18 that the child can return to the custody of the child's ~~his or~~
19 ~~her~~ parent or guardian, the Department must complete, prior to
20 the child's discharge from foster or substitute care, a home
21 safety checklist to ensure that the conditions of the child's
22 home are sufficient to ensure the child's safety and
23 well-being, as defined in Department rules and procedures. At
24 a minimum, the home safety checklist shall be completed within
25 24 hours prior to the child's return home and completed again

1 or recertified in the absence of any environmental barriers or
2 hazards within 5 working days after a child is returned home
3 and every month thereafter until the child's case is closed
4 pursuant to the Juvenile Court Act of 1987. The home safety
5 checklist shall include a certification that there are no
6 environmental barriers or hazards to prevent returning the
7 child home.

8 (d) When a court determines that a child should return to
9 the custody or guardianship of a parent or guardian, any
10 aftercare services provided to the child and the child's
11 family by the Department or a purchase of service agency shall
12 commence on the date upon which the child is returned to the
13 custody or guardianship of the child's ~~his or her~~ parent or
14 guardian. If children are returned to the custody of a parent
15 at different times, the Department or purchase of service
16 agency shall provide a minimum of 6 months of aftercare
17 services to each child commencing on the date each individual
18 child is returned home.

19 (e) One year after the effective date of this amendatory
20 Act of the 101st General Assembly, the Auditor General shall
21 commence a performance audit of the Department of Children and
22 Family Services to determine whether the Department is meeting
23 the requirements of this Section. Within 2 years after the
24 audit's release, the Auditor General shall commence a
25 follow-up performance audit to determine whether the
26 Department has implemented the recommendations contained in

1 the initial performance audit. Upon completion of each audit,
2 the Auditor General shall report its findings to the General
3 Assembly. The Auditor General's reports shall include any
4 issues or deficiencies and recommendations. The audits
5 required by this Section shall be in accordance with and
6 subject to the Illinois State Auditing Act.

7 (Source: P.A. 101-237, eff. 1-1-20.)

8 (20 ILCS 505/8) (from Ch. 23, par. 5008)

9 Sec. 8. Scholarships and fee waivers; tuition waiver.

10 (a) Each year the Department shall select a minimum of 53
11 students (at least 4 of whom shall be children of veterans) to
12 receive scholarships and fee waivers which will enable them to
13 attend and complete their post-secondary education at a
14 community college, university, or college. Youth shall be
15 selected from among the youth for whom the Department has
16 court-ordered legal responsibility, youth who aged out of care
17 at age 18 or older, or youth formerly under care who have been
18 adopted or who have been placed in private guardianship.
19 Recipients must have earned a high school diploma from an
20 accredited institution or a high school equivalency
21 certificate or diploma or have met the State criteria for high
22 school graduation before the start of the school year for
23 which they are applying for the scholarship and waiver.
24 Scholarships and fee waivers shall be available to students
25 for at least 5 years, provided they are continuing to work

1 toward graduation. Unused scholarship dollars and fee waivers
2 shall be reallocated to new recipients. No later than January
3 1, 2015, the Department shall promulgate rules identifying the
4 criteria for "continuing to work toward graduation" and for
5 reallocating unused scholarships and fee waivers. Selection
6 shall be made on the basis of several factors, including, but
7 not limited to, scholastic record, aptitude, and general
8 interest in higher education. The selection committee shall
9 include at least 2 individuals formerly under the care of the
10 Department who have completed their post-secondary education.
11 In accordance with this Act, tuition scholarships and fee
12 waivers shall be available to such students at any university
13 or college maintained by the State of Illinois. The Department
14 shall provide maintenance and school expenses, except tuition
15 and fees, during the academic years to supplement the
16 students' earnings or other resources so long as they
17 consistently maintain scholastic records which are acceptable
18 to their schools and to the Department. Students may attend
19 other colleges and universities, if scholarships are awarded
20 them, and receive the same benefits for maintenance and other
21 expenses as those students attending any Illinois State
22 community college, university, or college under this Section.
23 Beginning with recipients receiving scholarships and waivers
24 in August 2014, the Department shall collect data and report
25 annually to the General Assembly on measures of success,
26 including (i) the number of youth applying for and receiving

1 scholarships or waivers, (ii) the percentage of scholarship or
2 waiver recipients who complete their college or university
3 degree within 5 years, (iii) the average length of time it
4 takes for scholarship or waiver recipients to complete their
5 college or university degree, (iv) the reasons that
6 scholarship or waiver recipients are discharged or fail to
7 complete their college or university degree, (v) when
8 available, youths' outcomes 5 years and 10 years after being
9 awarded the scholarships or waivers, and (vi) budget
10 allocations for maintenance and school expenses incurred by
11 the Department.

12 (b) Youth shall receive a tuition and fee waiver to assist
13 them in attending and completing their post-secondary
14 education at any community college, university, or college
15 maintained by the State of Illinois if they are youth for whom
16 the Department has court-ordered legal responsibility, youth
17 who aged out of care at age 18 or older, or youth formerly
18 under care who have been adopted and were the subject of an
19 adoption assistance agreement or who have been placed in
20 private guardianship and were the subject of a subsidized
21 guardianship agreement.

22 To receive a waiver under this subsection, an applicant
23 must:

24 (1) have earned a high school diploma from an
25 accredited institution or a high school equivalency
26 certificate or have met the State criteria for high school

1 graduation before the start of the school year for which
2 the applicant is applying for the waiver;

3 (2) enroll in a qualifying post-secondary education
4 before the applicant reaches the age of 26; and

5 (3) apply for federal and State grant assistance by
6 completing the Free Application for Federal Student Aid.

7 The community college or public university that an
8 applicant attends must waive any tuition and fee amounts that
9 exceed the amounts paid to the applicant under the federal
10 Pell Grant Program or the State's Monetary Award Program.

11 Tuition and fee waivers shall be available to a student
12 for at least the first 5 years the student is enrolled in a
13 community college, university, or college maintained by the
14 State of Illinois so long as the student makes satisfactory
15 progress toward completing the student's ~~his or her~~ degree.
16 The age requirement and 5-year cap on tuition and fee waivers
17 under this subsection shall be waived and eligibility for
18 tuition and fee waivers shall be extended for any applicant or
19 student who the Department determines was unable to enroll in
20 a qualifying post-secondary school or complete an academic
21 term because the applicant or student: (i) was called into
22 active duty with the United States Armed Forces; (ii) was
23 deployed for service in the United States Public Health
24 Service Commissioned Corps; or (iii) volunteered in the Peace
25 Corps or the AmeriCorps. The Department shall extend
26 eligibility for a qualifying applicant or student by the total

1 number of months or years during which the applicant or
2 student served on active duty with the United States Armed
3 Forces, was deployed for service in the United States Public
4 Health Service Commissioned Corps, or volunteered in the Peace
5 Corps or the AmeriCorps. The number of months an applicant or
6 student served on active duty with the United States Armed
7 Forces shall be rounded up to the next higher year to determine
8 the maximum length of time to extend eligibility for the
9 applicant or student.

10 The Department may provide the student with a stipend to
11 cover maintenance and school expenses, except tuition and
12 fees, during the academic years to supplement the student's
13 earnings or other resources so long as the student
14 consistently maintains scholastic records which are acceptable
15 to the student's school and to the Department.

16 The Department shall develop outreach programs to ensure
17 that youths who qualify for the tuition and fee waivers under
18 this subsection who are high school students in grades 9
19 through 12 or who are enrolled in a high school equivalency
20 testing program are aware of the availability of the tuition
21 and fee waivers.

22 (c) Subject to appropriation, the Department shall provide
23 eligible youth an apprenticeship stipend to cover those costs
24 associated with entering and sustaining through completion an
25 apprenticeship, including, but not limited to fees, tuition
26 for classes, work clothes, rain gear, boots, and

1 occupation-specific tools. The following youth may be eligible
2 for the apprenticeship stipend provided under this subsection:
3 youth for whom the Department has court-ordered legal
4 responsibility; youth who aged out of care at age 18 or older;
5 or youth formerly under care who have been adopted and were the
6 subject of an adoption assistance agreement or who have been
7 placed in private guardianship and were the subject of a
8 subsidized guardianship agreement.

9 To receive a stipend under this subsection, an applicant
10 must:

11 (1) be enrolled in an apprenticeship training program
12 approved or recognized by the Illinois Department of
13 Employment Security or an apprenticeship program approved
14 by the United States Department of Labor;

15 (2) not be a recipient of a scholarship or fee waiver
16 under subsection (a) or (b); and

17 (3) be under the age of 26 before enrolling in a
18 qualified apprenticeship program.

19 Apprenticeship stipends shall be available to an eligible
20 youth for a maximum of 5 years after the youth enrolls in a
21 qualifying apprenticeship program so long as the youth makes
22 satisfactory progress toward completing the youth's ~~his or her~~
23 apprenticeship. The age requirement and 5-year cap on the
24 apprenticeship stipend provided under this subsection shall be
25 extended for any applicant who the Department determines was
26 unable to enroll in a qualifying apprenticeship program

1 because the applicant: (i) was called into active duty with
2 the United States Armed Forces; (ii) was deployed for service
3 in the United States Public Health Service Commissioned Corps;
4 or (iii) volunteered in the Peace Corps or the AmeriCorps. The
5 Department shall extend eligibility for a qualifying applicant
6 by the total number of months or years during which the
7 applicant served on active duty with the United States Armed
8 Forces, was deployed for service in the United States Public
9 Health Service Commissioned Corps, or volunteered in the Peace
10 Corps or the AmeriCorps. The number of months an applicant
11 served on active duty with the United States Armed Forces
12 shall be rounded up to the next higher year to determine the
13 maximum length of time to extend eligibility for the
14 applicant.

15 The Department shall develop outreach programs to ensure
16 that youths who qualify for the apprenticeship stipends under
17 this subsection who are high school students in grades 9
18 through 12 or who are enrolled in a high school equivalency
19 testing program are aware of the availability of the
20 apprenticeship stipend.

21 (Source: P.A. 100-1045, eff. 1-1-19; 101-558, eff. 1-1-20.)

22 (20 ILCS 505/8a) (from Ch. 23, par. 5008a)

23 Sec. 8a. No otherwise qualified child with a disability
24 receiving special education and related services under Article
25 14 of The School Code shall solely by reason of the child's ~~his~~

1 ~~or her~~ disability be excluded from the participation in or be
2 denied the benefits of or be subjected to discrimination under
3 any program or activity provided by the Department.

4 The Department, or its authorized agent, shall ensure that
5 a copy of a student's then current individualized education
6 program (IEP) is provided to the school district in which the
7 student is newly placed by the Department. Upon receipt of the
8 IEP, the new school district shall review it and place the
9 student in a special education program in accordance with that
10 described in the IEP. The Department shall consult with the
11 State Board of Education in the development of necessary rules
12 and regulations to implement this provision.

13 (Source: P.A. 87-372.)

14 (20 ILCS 505/8b) (from Ch. 23, par. 5008b)

15 Sec. 8b. No homeless person eligible to receive benefits
16 or services from the Department shall, by reason of the
17 homeless person's ~~his or her~~ status as a homeless person, be
18 excluded from participation in, be denied benefits under or be
19 subjected to discrimination under any program or activity
20 provided by the Department.

21 (Source: P.A. 84-1277.)

22 (20 ILCS 505/9.3) (from Ch. 23, par. 5009.3)

23 Sec. 9.3. Declarations by Parents and Guardians.
24 Information requested of parents and guardians shall be

1 submitted on forms or questionnaires prescribed by the
2 Department or units of local government as the case may be and
3 shall contain a written declaration to be signed by the parent
4 or guardian in substantially the following form:

5 "I declare under penalties of perjury that I have examined
6 this form or questionnaire and all accompanying statements or
7 documents pertaining to my income, or any other matter having
8 bearing upon my status and ability to provide payment for care
9 and training of my child, and to the best of my knowledge and
10 belief the information supplied is true, correct, and
11 complete".

12 A person who makes and subscribes a form or questionnaire
13 which contains, as herein above provided, a written
14 declaration that it is made under the penalties of perjury,
15 knowing it to be false, incorrect or incomplete, in respect to
16 any material statement or representative bearing upon the
17 parent's or guardian's ~~his~~ status as a parent or guardian, or
18 upon the parent's or guardian's ~~his~~ income, resources, or
19 other matter concerning the parent's or guardian's ~~his~~ ability
20 to provide parental payment, shall be subject to the penalties
21 for perjury provided for in Section 32-2 of the Criminal Code
22 of 2012.

23 Parents who refuse to provide such information after three
24 written requests from the Department will be liable for the
25 full cost of care provided, from the commencement of such care
26 until the required information is received.

1 (Source: P.A. 97-1150, eff. 1-25-13.)

2 (20 ILCS 505/9.5) (from Ch. 23, par. 5009.5)

3 Sec. 9.5. Notice of Parental Payments Due. When the
4 Department has determined that a parent or guardian is liable
5 for payment for care and support of the parent's or guardian's
6 ~~his~~ children, the parent or guardian shall be notified by
7 mailing the parent or guardian ~~him~~ a copy of the determination
8 by mail, advising the parent or guardian ~~him~~ of the parent's or
9 guardian's ~~his~~ legal obligation to make payments for such
10 period or periods of time, definite in duration or indefinite,
11 as the circumstances required. The notice shall direct payment
12 as provided in Section 9.6.

13 Within 30 days after receipt of a payment notice, the
14 parents may appeal the assessment amount if the data used in
15 determining the amount is inaccurate or incomplete. Parents
16 may also appeal the assessment at any time on the basis of
17 changes in their circumstances which render inaccurate
18 information on which the assessment is based. If the changes
19 requested in a parental appeal are granted, the Department may
20 modify its assessment retroactively to the appropriate date
21 and adjust any amount in arrears accordingly.

22 (Source: P.A. 83-1037.)

23 (20 ILCS 505/17) (from Ch. 23, par. 5017)

24 Sec. 17. Youth and Community Services Program. The

1 Department of Human Services shall develop a State program for
2 youth and community services which will assure that youth who
3 come into contact or may come into contact with the child
4 welfare and the juvenile justice systems will have access to
5 needed community, prevention, diversion, emergency and
6 independent living services. The term "youth" means a person
7 under the age of 19 years. The term "homeless youth" means a
8 youth who cannot be reunited with the youth's ~~his or her~~ family
9 and is not in a safe and stable living situation. This Section
10 shall not be construed to require the Department of Human
11 Services to provide services under this Section to any
12 homeless youth who is at least 18 years of age but is younger
13 than 19 years of age; however, the Department may, in its
14 discretion, provide services under this Section to any such
15 homeless youth.

16 (a) The goals of the program shall be to:

17 (1) maintain children and youths in their own
18 community;

19 (2) eliminate unnecessary categorical funding of
20 programs by funding more comprehensive and integrated
21 programs;

22 (3) encourage local volunteers and voluntary
23 associations in developing programs aimed at preventing
24 and controlling juvenile delinquency;

25 (4) address voids in services and close service gaps;

26 (5) develop program models aimed at strengthening the

1 relationships between youth and their families and aimed
2 at developing healthy, independent lives for homeless
3 youth;

4 (6) contain costs by redirecting funding to more
5 comprehensive and integrated community-based services; and

6 (7) coordinate education, employment, training and
7 other programs for youths with other State agencies.

8 (b) The duties of the Department under the program shall
9 be to:

10 (1) design models for service delivery by local
11 communities;

12 (2) test alternative systems for delivering youth
13 services;

14 (3) develop standards necessary to achieve and
15 maintain, on a statewide basis, more comprehensive and
16 integrated community-based youth services;

17 (4) monitor and provide technical assistance to local
18 boards and local service systems;

19 (5) assist local organizations in developing programs
20 which address the problems of youths and their families
21 through direct services, advocacy with institutions, and
22 improvement of local conditions; and

23 (6) develop a statewide adoption awareness campaign
24 aimed at pregnant teenagers.

25 (Source: P.A. 89-507, eff. 7-1-97.)

1 (20 ILCS 505/21) (from Ch. 23, par. 5021)

2 Sec. 21. Investigative powers; training.

3 (a) To make such investigations as it may deem necessary
4 to the performance of its duties.

5 (b) In the course of any such investigation any qualified
6 person authorized by the Director may administer oaths and
7 secure by its subpoena both the attendance and testimony of
8 witnesses and the production of books and papers relevant to
9 such investigation. Any person who is served with a subpoena
10 by the Department to appear and testify or to produce books and
11 papers, in the course of an investigation authorized by law,
12 and who refuses or neglects to appear, or to testify, or to
13 produce books and papers relevant to such investigation, as
14 commanded in such subpoena, shall be guilty of a Class B
15 misdemeanor. The fees of witnesses for attendance and travel
16 shall be the same as the fees of witnesses before the circuit
17 courts of this State. Any circuit court of this State, upon
18 application of the person requesting the hearing or the
19 Department, may compel the attendance of witnesses, the
20 production of books and papers, and giving of testimony before
21 the Department or before any authorized officer or employee
22 thereof, by an attachment for contempt or otherwise, in the
23 same manner as production of evidence may be compelled before
24 such court. Every person who, having taken an oath or made
25 affirmation before the Department or any authorized officer or
26 employee thereof, shall willfully swear or affirm falsely,

1 shall be guilty of perjury and upon conviction shall be
2 punished accordingly.

3 (c) Investigations initiated under this Section shall
4 provide individuals due process of law, including the right to
5 a hearing, to cross-examine witnesses, to obtain relevant
6 documents, and to present evidence. Administrative findings
7 shall be subject to the provisions of the Administrative
8 Review Law.

9 (d) Beginning July 1, 1988, any child protective
10 investigator or supervisor or child welfare specialist or
11 supervisor employed by the Department on the effective date of
12 this amendatory Act of 1987 shall have completed a training
13 program which shall be instituted by the Department. The
14 training program shall include, but not be limited to, the
15 following: (1) training in the detection of symptoms of child
16 neglect and drug abuse; (2) specialized training for dealing
17 with families and children of drug abusers; and (3) specific
18 training in child development, family dynamics and interview
19 techniques. Such program shall conform to the criteria and
20 curriculum developed under Section 4 of the Child Protective
21 Investigator and Child Welfare Specialist Certification Act of
22 1987. Failure to complete such training due to lack of
23 opportunity provided by the Department shall in no way be
24 grounds for any disciplinary or other action against an
25 investigator or a specialist.

26 The Department shall develop a continuous inservice staff

1 development program and evaluation system. Each child
2 protective investigator and supervisor and child welfare
3 specialist and supervisor shall participate in such program
4 and evaluation and shall complete a minimum of 20 hours of
5 inservice education and training every 2 years in order to
6 maintain certification.

7 Any child protective investigator or child protective
8 supervisor, or child welfare specialist or child welfare
9 specialist supervisor hired by the Department who begins ~~his~~
10 actual employment after the effective date of this amendatory
11 Act of 1987, shall be certified pursuant to the Child
12 Protective Investigator and Child Welfare Specialist
13 Certification Act of 1987 before beginning ~~he begins~~ such
14 employment. Nothing in this Act shall replace or diminish the
15 rights of employees under the Illinois Public Labor Relations
16 Act, as amended, or the National Labor Relations Act. In the
17 event of any conflict between either of those Acts, or any
18 collective bargaining agreement negotiated thereunder, and the
19 provisions of subsections (d) and (e), the former shall
20 prevail and control.

21 (e) The Department shall develop and implement the
22 following:

23 (1) A standardized child endangerment risk assessment
24 protocol.

25 (2) Related training procedures.

26 (3) A standardized method for demonstration of

1 proficiency in application of the protocol.

2 (4) An evaluation of the reliability and validity of
3 the protocol.

4 All child protective investigators and supervisors and child
5 welfare specialists and supervisors employed by the Department
6 or its contractors shall be required, subsequent to the
7 availability of training under this Act, to demonstrate
8 proficiency in application of the protocol previous to being
9 permitted to make decisions about the degree of risk posed to
10 children for whom they are responsible. The Department shall
11 establish a multi-disciplinary advisory committee appointed by
12 the Director, including but not limited to representatives
13 from the fields of child development, domestic violence,
14 family systems, juvenile justice, law enforcement, health
15 care, mental health, substance abuse, and social service to
16 advise the Department and its related contractors in the
17 development and implementation of the child endangerment risk
18 assessment protocol, related training, method for
19 demonstration of proficiency in application of the protocol,
20 and evaluation of the reliability and validity of the
21 protocol. The Department shall develop the protocol, training
22 curriculum, method for demonstration of proficiency in
23 application of the protocol and method for evaluation of the
24 reliability and validity of the protocol by July 1, 1995.
25 Training and demonstration of proficiency in application of
26 the child endangerment risk assessment protocol for all child

1 protective investigators and supervisors and child welfare
2 specialists and supervisors shall be completed as soon as
3 practicable, but no later than January 1, 1996. The Department
4 shall submit to the General Assembly on or before May 1, 1996,
5 and every year thereafter, an annual report on the evaluation
6 of the reliability and validity of the child endangerment risk
7 assessment protocol. The Department shall contract with a not
8 for profit organization with demonstrated expertise in the
9 field of child endangerment risk assessment to assist in the
10 development and implementation of the child endangerment risk
11 assessment protocol, related training, method for
12 demonstration of proficiency in application of the protocol,
13 and evaluation of the reliability and validity of the
14 protocol.

15 (f) The Department shall provide each parent or guardian
16 and responsible adult caregiver participating in a safety plan
17 a copy of the written safety plan as signed by each parent or
18 guardian and responsible adult caregiver and by a
19 representative of the Department. The Department shall also
20 provide each parent or guardian and responsible adult
21 caregiver safety plan information on their rights and
22 responsibilities that shall include, but need not be limited
23 to, information on how to obtain medical care, emergency phone
24 numbers, and information on how to notify schools or day care
25 providers as appropriate. The Department's representative
26 shall ensure that the safety plan is reviewed and approved by

1 the child protection supervisor.

2 (Source: P.A. 98-830, eff. 1-1-15.)

3 (20 ILCS 505/35.5)

4 Sec. 35.5. Inspector General.

5 (a) The Governor shall appoint, and the Senate shall
6 confirm, an Inspector General who shall have the authority to
7 conduct investigations into allegations of or incidents of
8 possible misconduct, misfeasance, malfeasance, or violations
9 of rules, procedures, or laws by any employee, foster parent,
10 service provider, or contractor of the Department of Children
11 and Family Services, except for allegations of violations of
12 the State Officials and Employees Ethics Act which shall be
13 referred to the Office of the Governor's Executive Inspector
14 General for investigation. The Inspector General shall make
15 recommendations to the Director of Children and Family
16 Services concerning sanctions or disciplinary actions against
17 Department employees or providers of service under contract to
18 the Department. The Director of Children and Family Services
19 shall provide the Inspector General with an implementation
20 report on the status of any corrective actions taken on
21 recommendations under review and shall continue sending
22 updated reports until the corrective action is completed. The
23 Director shall provide a written response to the Inspector
24 General indicating the status of any sanctions or disciplinary
25 actions against employees or providers of service involving

1 any investigation subject to review. In any case, information
2 included in the reports to the Inspector General and
3 Department responses shall be subject to the public disclosure
4 requirements of the Abused and Neglected Child Reporting Act.
5 Any investigation conducted by the Inspector General shall be
6 independent and separate from the investigation mandated by
7 the Abused and Neglected Child Reporting Act. The Inspector
8 General shall be appointed for a term of 4 years. The Inspector
9 General shall function independently within the Department of
10 Children and Family Services with respect to the operations of
11 the Office of Inspector General, including the performance of
12 investigations and issuance of findings and recommendations,
13 and shall report to the Director of Children and Family
14 Services and the Governor and perform other duties the
15 Director may designate. The Inspector General shall adopt
16 rules as necessary to carry out the functions, purposes, and
17 duties of the office of Inspector General in the Department of
18 Children and Family Services, in accordance with the Illinois
19 Administrative Procedure Act and any other applicable law.

20 (b) The Inspector General shall have access to all
21 information and personnel necessary to perform the duties of
22 the office. To minimize duplication of efforts, and to assure
23 consistency and conformance with the requirements and
24 procedures established in the B.H. v. Suter consent decree and
25 to share resources when appropriate, the Inspector General
26 shall coordinate the Inspector General's ~~his or her~~ activities

1 with the Bureau of Quality Assurance within the Department.

2 (c) The Inspector General shall be the primary liaison
3 between the Department and the Illinois State Police with
4 regard to investigations conducted under the Inspector
5 General's auspices. If the Inspector General determines that a
6 possible criminal act has been committed, or that special
7 expertise is required in the investigation, the Inspector
8 General ~~he or she~~ shall immediately notify the Illinois State
9 Police. All investigations conducted by the Inspector General
10 shall be conducted in a manner designed to ensure the
11 preservation of evidence for possible use in a criminal
12 prosecution.

13 (d) The Inspector General may recommend to the Department
14 of Children and Family Services, the Department of Public
15 Health, or any other appropriate agency, sanctions to be
16 imposed against service providers under the jurisdiction of or
17 under contract with the Department for the protection of
18 children in the custody or under the guardianship of the
19 Department who received services from those providers. The
20 Inspector General may seek the assistance of the Attorney
21 General or any of the several State's Attorneys in imposing
22 sanctions.

23 (e) The Inspector General shall at all times be granted
24 access to any foster home, facility, or program operated for
25 or licensed or funded by the Department.

26 (f) Nothing in this Section shall limit investigations by

1 the Department of Children and Family Services that may
2 otherwise be required by law or that may be necessary in that
3 Department's capacity as the central administrative authority
4 for child welfare.

5 (g) The Inspector General shall have the power to subpoena
6 witnesses and compel the production of books and papers
7 pertinent to an investigation authorized by this Act. The
8 power to subpoena or to compel the production of books and
9 papers, however, shall not extend to the person or documents
10 of a labor organization or its representatives insofar as the
11 person or documents of a labor organization relate to the
12 function of representing an employee subject to investigation
13 under this Act. Any person who fails to appear in response to a
14 subpoena or to answer any question or produce any books or
15 papers pertinent to an investigation under this Act, except as
16 otherwise provided in this Section, or who knowingly gives
17 false testimony in relation to an investigation under this Act
18 is guilty of a Class A misdemeanor.

19 (h) The Inspector General shall provide to the General
20 Assembly and the Governor, no later than January 1 of each
21 year, a summary of reports and investigations made under this
22 Section for the prior fiscal year. The summaries shall detail
23 the imposition of sanctions and the final disposition of those
24 recommendations. The summaries shall not contain any
25 confidential or identifying information concerning the
26 subjects of the reports and investigations. The summaries also

1 shall include detailed recommended administrative actions and
2 matters for consideration by the General Assembly.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (20 ILCS 505/35.6)

5 Sec. 35.6. State-wide toll-free telephone number.

6 (a) There shall be a State-wide, toll-free telephone
7 number for any person, whether or not mandated by law, to
8 report to the Inspector General of the Department, suspected
9 misconduct, malfeasance, misfeasance, or violations of rules,
10 procedures, or laws by Department employees, service
11 providers, or contractors that is detrimental to the best
12 interest of children receiving care, services, or training
13 from or who were committed to the Department as allowed under
14 Section 5 of this Act. Immediately upon receipt of a telephone
15 call regarding suspected abuse or neglect of children, the
16 Inspector General shall refer the call to the Child Abuse and
17 Neglect Hotline or to the Illinois State Police as mandated by
18 the Abused and Neglected Child Reporting Act and Section 35.5
19 of this Act. A mandated reporter shall not be relieved of the
20 mandated reporter's ~~his or her~~ duty to report incidents to the
21 Child Abuse and Neglect Hotline referred to in this
22 subsection. The Inspector General shall also establish rules
23 and procedures for evaluating reports of suspected misconduct
24 and violation of rules and for conducting an investigation of
25 such reports.

1 (b) The Inspector General shall prepare and maintain
2 written records from the reporting source that shall contain
3 the following information to the extent known at the time the
4 report is made: (1) the names and addresses of the child and
5 the person responsible for the child's welfare; (2) the nature
6 of the misconduct and the detriment cause to the child's best
7 interest; (3) the names of the persons or agencies responsible
8 for the alleged misconduct. Any investigation conducted by the
9 Inspector General pursuant to such information shall not
10 duplicate and shall be separate from the investigation
11 mandated by the Abused and Neglected Child Reporting Act.
12 However, the Inspector General may include the results of such
13 investigation in reports compiled under this Section. At the
14 request of the reporting agent, the Inspector General shall
15 keep the identity of the reporting agent strictly confidential
16 from the operation of the Department, until the Inspector
17 General shall determine what recommendations shall be made
18 with regard to discipline or sanction of the Department
19 employee, service provider, or contractor, with the exception
20 of suspected child abuse or neglect which shall be handled
21 consistent with the Abused and Neglected Child Reporting Act
22 and Section 35.5 of this Act. The Department shall take
23 whatever steps are necessary to assure that a person making a
24 report in good faith under this Section is not adversely
25 affected solely on the basis of having made such report.

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 (20 ILCS 505/35.9)

2 Sec. 35.9. Visitation privileges; grandparents and
3 great-grandparents.

4 (a) The Department shall make reasonable efforts and
5 accommodations to provide for visitation privileges to a
6 non-custodial grandparent or great-grandparent of a child who
7 is in the care and custody of the Department. Any visitation
8 privileges provided under this Section shall be separate and
9 apart from any visitation privileges provided to a parent of
10 the child. The Department shall provide visitation privileges
11 only if doing so is in the child's best interest, taking into
12 consideration the factors set out in subsection (4.05) of
13 Section 1-3 of the Juvenile Court Act of 1987 and the following
14 additional factors:

15 (1) the mental and physical health of the grandparent
16 or great-grandparent;

17 (2) the quantity of the visitation time requested and
18 the potential adverse impact that visitation would have on
19 the child's customary activities;

20 (3) any other fact that establishes that the loss of
21 the relationship between the child and the grandparent or
22 great-grandparent is likely to unduly harm the child's
23 mental, physical, or emotional health; and

24 (4) whether visitation can be structured in a way to
25 minimize the child's exposure to conflicts between adult

1 family members.

2 (b) Any visitation privileges provided under this Section
3 shall automatically terminate upon the child leaving the care
4 or custody of the Department.

5 (c) The Department may deny a request for visitation after
6 considering the criteria provided under subsection (a) in
7 addition to any other criteria the Department deems necessary.
8 If the Department determines that a grandparent or
9 great-grandparent is inappropriate to serve as a visitation
10 resource and denies visitation, the Department shall: (i)
11 document the basis of its determination and maintain the
12 documentation in the child's case file and (ii) inform the
13 grandparent or great-grandparent of the grandparent's or
14 great-grandparent's ~~his or her~~ right to a clinical review in
15 accordance with Department rules and procedures. The
16 Department may adopt any rules necessary to implement this
17 Section.

18 (Source: P.A. 99-838, eff. 1-1-17.)

19 Section 10. The Department of Children and Family Services
20 Powers Law of the Civil Administrative Code of Illinois is
21 amended by changing Section 510-25 as follows:

22 (20 ILCS 510/510-25) (was 20 ILCS 510/65.5)

23 Sec. 510-25. Child Care Act of 1969; injunction. The
24 Department has the power to initiate injunction proceedings

1 whenever it appears to the Director of Children and Family
2 Services that any person, group of persons, or corporation is
3 engaged or about to engage in any acts or practices that
4 constitute or will constitute a violation of the Child Care
5 Act of 1969 or any rule or regulation prescribed under the
6 authority of that Act. The Director of Children and Family
7 Services may, in the Director's ~~his or her~~ discretion, through
8 the Attorney General apply for an injunction to enforce the
9 Act, rule, or regulation. Upon a proper showing, any circuit
10 court may enter a permanent or preliminary injunction or a
11 temporary restraining order without bond to enforce the Act,
12 rule, or regulation in addition to the penalties and other
13 remedies provided in the Act, rule, or regulation. Appeals may
14 be taken as in other civil cases.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 Section 15. The Child Death Review Team Act is amended by
17 changing Section 20 as follows:

18 (20 ILCS 515/20)

19 Sec. 20. Reviews of child deaths.

20 (a) Every child death shall be reviewed by the team in the
21 subregion which has primary case management responsibility.
22 The deceased child must be one of the following:

23 (1) A youth in care.

24 (2) The subject of an open service case maintained by

1 the Department.

2 (3) The subject of a pending child abuse or neglect
3 investigation.

4 (4) A child who was the subject of an abuse or neglect
5 investigation at any time during the 12 months preceding
6 the child's death.

7 (5) Any other child whose death is reported to the
8 State central register as a result of alleged child abuse
9 or neglect which report is subsequently indicated.

10 A child death review team may, at its discretion, review
11 other sudden, unexpected, or unexplained child deaths, cases
12 of serious or fatal injuries to a child identified under the
13 Children's Advocacy Center Act, and all unfounded child death
14 cases.

15 (b) A child death review team's purpose in conducting
16 reviews of child deaths is to do the following:

17 (1) Assist in determining the cause and manner of the
18 child's death, when requested.

19 (2) Evaluate means by which the death might have been
20 prevented.

21 (3) Report its findings to appropriate agencies and
22 make recommendations that may help to reduce the number of
23 child deaths caused by abuse or neglect.

24 (4) Promote continuing education for professionals
25 involved in investigating, treating, and preventing child
26 abuse and neglect as a means of preventing child deaths

1 due to abuse or neglect.

2 (5) Make specific recommendations to the Director and
3 the Inspector General of the Department concerning the
4 prevention of child deaths due to abuse or neglect and the
5 establishment of protocols for investigating child deaths.

6 (c) A child death review team shall review a child death as
7 soon as practical and not later than 90 days following the
8 completion by the Department of the investigation of the death
9 under the Abused and Neglected Child Reporting Act. When there
10 has been no investigation by the Department, the child death
11 review team shall review a child's death within 90 days after
12 obtaining the information necessary to complete the review
13 from the coroner, pathologist, medical examiner, or law
14 enforcement agency, depending on the nature of the case. A
15 child death review team shall meet at least once in each
16 calendar quarter.

17 (d) The Director shall, within 90 days, review and reply
18 to recommendations made by a team under item (5) of subsection
19 (b). With respect to each recommendation made by a team, the
20 Director shall submit the Director's ~~his or her~~ reply both to
21 the chairperson of that team and to the chairperson of the
22 Executive Council. The Director's reply to each recommendation
23 must include a statement as to whether the Director intends to
24 implement the recommendation. The Director shall meet in
25 person with the Executive Council at least every 60 days to
26 discuss recommendations and the Department's responses.

1 The Director shall implement recommendations as feasible
2 and appropriate and shall respond in writing to explain the
3 implementation or nonimplementation of the recommendations.

4 (e) Within 90 days after the Director submits a reply with
5 respect to a recommendation as required by subsection (d), the
6 Director must submit an additional report that sets forth in
7 detail the way, if any, in which the Director will implement
8 the recommendation and the schedule for implementing the
9 recommendation. The Director shall submit this report to the
10 chairperson of the team that made the recommendation and to
11 the chairperson of the Executive Council.

12 (f) Within 180 days after the Director submits a report
13 under subsection (e) concerning the implementation of a
14 recommendation, the Director shall submit a further report to
15 the chairperson of the team that made the recommendation and
16 to the chairperson of the Executive Council. This report shall
17 set forth the specific changes in the Department's policies
18 and procedures that have been made in response to the
19 recommendation.

20 (Source: P.A. 100-159, eff. 8-18-17; 100-1122, eff. 11-27-18.)

21 Section 20. The Foster Parent Law is amended by changing
22 Sections 1-5, 1-15, and 1-20 as follows:

23 (20 ILCS 520/1-5)

24 Sec. 1-5. Legislative findings. Family foster care is an

1 essential service for children and their families who have
2 been separated due to the tragedy of child abuse, neglect, or
3 dependency. When children have been separated from their
4 families, it is the responsibility of the child welfare team
5 to respond to the needs of the children and their families by
6 means including (i) providing protection and nurture to
7 children in a safe, healthy environment; (ii) meeting the
8 developmental and emotional needs of the children, including
9 maintaining and promoting a child's emotional attachment to a
10 child's ~~his or her~~ own family; (iii) protecting and promoting
11 the child's cultural identity and heritage; and (iv) working
12 toward permanency for children by connecting them to safe,
13 nurturing relationships intended to last a lifetime,
14 preferably with their own family.

15 Foster parents are an essential part of and fulfill an
16 integral role on the child welfare team along with children in
17 care who are old enough to participate in planning and
18 services, parents of children in care, caseworkers, and other
19 professionals serving the child and family. By providing care
20 for children and supporting the attachment of children to
21 their families in a manner sensitive to each child's and
22 family's unique needs, the foster parent serves the child, the
23 family, and the community.

24 In order to successfully fulfill their role on the
25 professional child welfare team, foster parents must be
26 committed to the goal of the child welfare program and must

1 provide care to children and promote the best interests of the
2 children and families served. In order to achieve this goal,
3 foster parents must understand and be sensitive to issues of
4 culture, ethnicity, religion, and children's connectedness
5 with their families and must maintain a level of care,
6 conduct, and demeanor that is consistent with the high
7 professional ethics demanded of all other members of the child
8 welfare team.

9 The General Assembly finds that there is a need to
10 establish public policy regarding the role of foster parents.
11 The General Assembly establishes this statement of foster
12 parents' rights and responsibilities, which shall apply to all
13 foster parents in the State of Illinois, whether supervised by
14 the Department of Children and Family Services or by another
15 agency under contract to the Department of Children and Family
16 Services to provide foster care services.

17 (Source: P.A. 89-19, eff. 6-3-95.)

18 (20 ILCS 520/1-15)

19 Sec. 1-15. Foster parent rights. A foster parent's rights
20 include, but are not limited to, the following:

21 (1) The right to be treated with dignity, respect, and
22 consideration as a professional member of the child
23 welfare team.

24 (2) The right to be given standardized pre-service
25 training and appropriate ongoing training to meet mutually

1 assessed needs and improve the foster parent's skills.

2 (3) The right to be informed as to how to contact the
3 appropriate child placement agency in order to receive
4 information and assistance to access supportive services
5 for children in the foster parent's care.

6 (4) The right to receive timely financial
7 reimbursement commensurate with the care needs of the
8 child as specified in the service plan.

9 (5) The right to be provided a clear, written
10 understanding of a placement agency's plan concerning the
11 placement of a child in the foster parent's home. Inherent
12 in this right is the foster parent's responsibility to
13 support activities that will promote the child's right to
14 relationships with the child's ~~his or her~~ own family and
15 cultural heritage.

16 (6) The right to be provided a fair, timely, and
17 impartial investigation of complaints concerning the
18 foster parent's licensure, to be provided the opportunity
19 to have a person of the foster parent's choosing present
20 during the investigation, and to be provided due process
21 during the investigation; the right to be provided the
22 opportunity to request and receive mediation or an
23 administrative review of decisions that affect licensing
24 parameters, or both mediation and an administrative
25 review; and the right to have decisions concerning a
26 licensing corrective action plan specifically explained

1 and tied to the licensing standards violated.

2 (7) The right, at any time during which a child is
3 placed with the foster parent, to receive additional or
4 necessary information that is relevant to the care of the
5 child.

6 (7.5) The right to be given information concerning a
7 child (i) from the Department as required under subsection
8 (u) of Section 5 of the Children and Family Services Act
9 and (ii) from a child welfare agency as required under
10 subsection (c-5) of Section 7.4 of the Child Care Act of
11 1969.

12 (8) The right to be notified of scheduled meetings and
13 staffings concerning the foster child in order to actively
14 participate in the case planning and decision-making
15 process regarding the child, including individual service
16 planning meetings, administrative case reviews,
17 interdisciplinary staffings, and individual educational
18 planning meetings; the right to be informed of decisions
19 made by the courts or the child welfare agency concerning
20 the child; the right to provide input concerning the plan
21 of services for the child and to have that input given full
22 consideration in the same manner as information presented
23 by any other professional on the team; and the right to
24 communicate with other professionals who work with the
25 foster child within the context of the team, including
26 therapists, physicians, attending health care

1 professionals, and teachers.

2 (9) The right to be given, in a timely and consistent
3 manner, any information a case worker has regarding the
4 child and the child's family which is pertinent to the
5 care and needs of the child and to the making of a
6 permanency plan for the child. Disclosure of information
7 concerning the child's family shall be limited to that
8 information that is essential for understanding the needs
9 of and providing care to the child in order to protect the
10 rights of the child's family. When a positive relationship
11 exists between the foster parent and the child's family,
12 the child's family may consent to disclosure of additional
13 information.

14 (10) The right to be given reasonable written notice
15 of (i) any change in a child's case plan, (ii) plans to
16 terminate the placement of the child with the foster
17 parent, and (iii) the reasons for the change or
18 termination in placement. The notice shall be waived only
19 in cases of a court order or when the child is determined
20 to be at imminent risk of harm.

21 (11) The right to be notified in a timely and complete
22 manner of all court hearings, including notice of the date
23 and time of the court hearing, the name of the judge or
24 hearing officer hearing the case, the location of the
25 hearing, and the court docket number of the case; and the
26 right to intervene in court proceedings or to seek

1 mandamus under the Juvenile Court Act of 1987.

2 (12) The right to be considered as a placement option
3 when a foster child who was formerly placed with the
4 foster parent is to be re-entered into foster care, if
5 that placement is consistent with the best interest of the
6 child and other children in the foster parent's home.

7 (13) The right to have timely access to the child
8 placement agency's existing appeals process and the right
9 to be free from acts of harassment and retaliation by any
10 other party when exercising the right to appeal.

11 (14) The right to be informed of the Foster Parent
12 Hotline established under Section 35.6 of the Children and
13 Family Services Act and all of the rights accorded to
14 foster parents concerning reports of misconduct by
15 Department employees, service providers, or contractors,
16 confidential handling of those reports, and investigation
17 by the Inspector General appointed under Section 35.5 of
18 the Children and Family Services Act.

19 (Source: P.A. 99-581, eff. 1-1-17.)

20 (20 ILCS 520/1-20)

21 Sec. 1-20. Foster parent responsibilities. A foster
22 parent's responsibilities include, but are not limited to, the
23 following:

24 (1) The responsibility to openly communicate and share
25 information about the child with other members of the

1 child welfare team.

2 (2) The responsibility to respect the confidentiality
3 of information concerning foster children and their
4 families and act appropriately within applicable
5 confidentiality laws and regulations.

6 (3) The responsibility to advocate for children in the
7 foster parent's care.

8 (4) The responsibility to treat children in the foster
9 parent's care and the children's families with dignity,
10 respect, and consideration.

11 (5) The responsibility to recognize the foster
12 parent's own individual and familial strengths and
13 limitations when deciding whether to accept a child into
14 care; and the responsibility to recognize the foster
15 parent's own support needs and utilize appropriate
16 supports in providing care for foster children.

17 (6) The responsibility to be aware of the benefits of
18 relying on and affiliating with other foster parents and
19 foster parent associations in improving the quality of
20 care and service to children and families.

21 (7) The responsibility to assess the foster parent's
22 ongoing individual training needs and take action to meet
23 those needs.

24 (8) The responsibility to develop and assist in
25 implementing strategies to prevent placement disruptions,
26 recognizing the traumatic impact of placement disruptions

1 on a foster child and all members of the foster family; and
2 the responsibility to provide emotional support for the
3 foster children and members of the foster family if
4 preventive strategies fail and placement disruptions
5 occur.

6 (9) The responsibility to know the impact foster
7 parenting has on individuals and family relationships; and
8 the responsibility to endeavor to minimize, as much as
9 possible, any stress that results from foster parenting.

10 (10) The responsibility to know the rewards and
11 benefits to children, parents, families, and society that
12 come from foster parenting and to promote the foster
13 parenting experience in a positive way.

14 (11) The responsibility to know the roles, rights, and
15 responsibilities of foster parents, other professionals in
16 the child welfare system, the foster child, and the foster
17 child's own family.

18 (12) The responsibility to know and, as necessary,
19 fulfill the foster parent's responsibility to serve as a
20 mandated reporter of suspected child abuse or neglect
21 under the Abused and Neglected Child Reporting Act; and
22 the responsibility to know the child welfare agency's
23 policy regarding allegations that foster parents have
24 committed child abuse or neglect and applicable
25 administrative rules and procedures governing
26 investigations of those allegations.

1 (13) The responsibility to know and receive training
2 regarding the purpose of administrative case reviews,
3 client service plans, and court processes, as well as any
4 filing or time requirements associated with those
5 proceedings; and the responsibility to actively
6 participate in the foster parent's designated role in
7 these proceedings.

8 (14) The responsibility to know the child welfare
9 agency's appeal procedure for foster parents and the
10 rights of foster parents under the procedure.

11 (15) The responsibility to know and understand the
12 importance of maintaining accurate and relevant records
13 regarding the child's history and progress; and the
14 responsibility to be aware of and follow the procedures
15 and regulations of the child welfare agency with which the
16 foster parent is licensed or affiliated.

17 (16) The responsibility to share information, through
18 the child welfare team, with the subsequent caregiver
19 (whether the child's parent or another substitute
20 caregiver) regarding the child's adjustment in the foster
21 parent's home.

22 (17) The responsibility to provide care and services
23 that are respectful of and responsive to the child's
24 cultural needs and are supportive of the relationship
25 between the child and the child's ~~his or her~~ own family;
26 the responsibility to recognize the increased importance

1 of maintaining a child's cultural identity when the race
2 or culture of the foster family differs from that of the
3 foster child; and the responsibility to take action to
4 address these issues.

5 (Source: P.A. 89-19, eff. 6-3-95.)

6 Section 25. The Foster Children's Bill of Rights Act is
7 amended by changing Section 5 as follows:

8 (20 ILCS 521/5)

9 Sec. 5. Foster Children's Bill of Rights. It is the policy
10 of this State that every child and adult in the care of the
11 Department of Children and Family Services who is placed in
12 foster care shall have the following rights:

13 (1) To live in a safe, healthy, and comfortable home
14 where they are ~~he or she is~~ treated with respect.

15 (2) To be free from physical, sexual, emotional, or
16 other abuse, or corporal punishment.

17 (3) To receive adequate and healthy food, adequate
18 clothing, and, for youth in group homes, residential
19 treatment facilities, and foster homes, an allowance.

20 (4) To receive medical, dental, vision, and mental
21 health services.

22 (5) To be free of the administration of medication or
23 chemical substances, unless authorized by a physician.

24 (6) To contact family members, unless prohibited by

1 court order, and social workers, attorneys, foster youth
2 advocates and supporters, Court Appointed Special
3 Advocates (CASAs), and probation officers.

4 (7) To visit and contact siblings ~~brothers~~ and
5 ~~sisters~~, unless prohibited by court order.

6 (8) To contact the Advocacy Office for Children and
7 Families established under the Children and Family
8 Services Act or the Department of Children and Family
9 Services' Office of the Inspector General regarding
10 violations of rights, to speak to representatives of these
11 offices confidentially, and to be free from threats or
12 punishment for making complaints.

13 (9) To make and receive confidential telephone calls
14 and send and receive unopened mail, unless prohibited by
15 court order.

16 (10) To attend religious services and activities of
17 their ~~his or her~~ choice.

18 (11) To maintain an emancipation bank account and
19 manage personal income, consistent with the child's age
20 and developmental level, unless prohibited by the case
21 plan.

22 (12) To not be locked in a room, building, or facility
23 premises, unless placed in a secure child care facility
24 licensed by the Department of Children and Family Services
25 under the Child Care Act of 1969 and placed pursuant to
26 Section 2-27.1 of the Juvenile Court Act of 1987.

1 (13) To attend school and participate in
2 extracurricular, cultural, and personal enrichment
3 activities, consistent with the child's age and
4 developmental level, with minimal disruptions to school
5 attendance and educational stability.

6 (14) To work and develop job skills at an
7 age-appropriate level, consistent with State law.

8 (15) To have social contacts with people outside of
9 the foster care system, including teachers, church
10 members, mentors, and friends.

11 (16) If they meet ~~he or she meets~~ age requirements, to
12 attend services and programs operated by the Department of
13 Children and Family Services or any other appropriate
14 State agency that aim to help current and former foster
15 youth achieve self-sufficiency prior to and after leaving
16 foster care.

17 (17) To attend court hearings and speak to the judge.

18 (18) To have storage space for private use.

19 (19) To be involved in the development of their ~~his or~~
20 ~~her~~ own case plan and plan for permanent placement.

21 (20) To review their ~~his or her~~ own case plan and plan
22 for permanent placement, if they are ~~he or she is~~ 12 years
23 of age or older and in a permanent placement, and to
24 receive information about their ~~his or her~~ out-of-home
25 placement and case plan, including being told of changes
26 to the case plan.

1 (21) To be free from unreasonable searches of personal
2 belongings.

3 (22) To the confidentiality of all juvenile court
4 records consistent with existing law.

5 (23) To have fair and equal access to all available
6 services, placement, care, treatment, and benefits, and to
7 not be subjected to discrimination or harassment on the
8 basis of actual or perceived race, ethnic group
9 identification, ancestry, national origin, color,
10 religion, sex, sexual orientation, gender identity, mental
11 or physical disability, or HIV status.

12 (24) To have caregivers and child welfare personnel
13 who have received sensitivity training and instruction on
14 matters concerning race, ethnicity, national origin,
15 color, ancestry, religion, mental and physical disability,
16 and HIV status.

17 (25) To have caregivers and child welfare personnel
18 who have received instruction on cultural competency and
19 sensitivity relating to, and best practices for, providing
20 adequate care to lesbian, gay, bisexual, and transgender
21 youth in out-of-home care.

22 (26) At 16 years of age or older, to have access to
23 existing information regarding the educational options
24 available, including, but not limited to, the coursework
25 necessary for vocational and postsecondary educational
26 programs, and information regarding financial aid for

1 postsecondary education.

2 (27) To have access to age-appropriate, medically
3 accurate information about reproductive health care, the
4 prevention of unplanned pregnancy, and the prevention and
5 treatment of sexually transmitted infections at 12 years
6 of age or older.

7 (28) To receive a copy of this Act from and have it
8 fully explained by the Department of Children and Family
9 Services when the child or adult is placed in the care of
10 the Department of Children and Family Services.

11 (29) To be placed in the least restrictive and most
12 family-like setting available and in close proximity to
13 their ~~his or her~~ parent's home consistent with their ~~his~~
14 ~~or her~~ health, safety, best interests, and special needs.

15 (Source: P.A. 99-344, eff. 1-1-16; 100-189, eff. 1-1-18.)

16 Section 30. The Statewide Foster Care Advisory Council Law
17 is amended by changing Section 5-10 as follows:

18 (20 ILCS 525/5-10)

19 Sec. 5-10. Membership.

20 (a) The Statewide Foster Care Advisory Council shall
21 consist of the following membership:

22 (1) 2 foster parents from the Department's southern
23 and northern administrative regions; 3 foster parents from
24 the Department's central administrative region; and 2

1 foster parents from each of the Department's Cook County
2 administrative regions. One of the 6 foster parents
3 representing the Cook County administrative regions shall
4 be the current President of the Cook County Foster Parent
5 Advisory Committee;

6 (2) 2 foster parents representing the Department's
7 Child Welfare Advisory Committee, with at least one foster
8 parent residing in Cook County;

9 (3) 2 foster care professionals representing the
10 Department's Child Welfare Advisory Committee to represent
11 agencies providing foster care services under contract to
12 the Department;

13 (4) the current president of the Illinois Foster
14 Parent Association; and

15 (5) 4 other non-Department persons with recognized
16 expertise regarding foster care who shall be nominated by
17 the Director of the Department ("the Director").

18 Each Administrator of the Department's specified
19 administrative regions shall make recommendations of foster
20 parents for appointment as members to the Director. The
21 recommendations of the Regional Administrator shall be based
22 upon consultation by the Regional Administrator with organized
23 foster parent groups and Department staff.

24 All appointments to the Council shall be made in writing
25 by the Director. In soliciting and making appointments, the
26 Director shall make all reasonable efforts to ensure the

1 membership of the Council is culturally diverse and
2 representative and also geographically representative of the
3 Department's administrative regions.

4 (b) Each member shall be appointed for a term of 3 years.
5 No member shall be appointed to more than 2 terms, except the
6 President of the Illinois Foster Parent Association and the
7 President of the Cook County Foster Parent Association may
8 serve as long as the member ~~he or she~~ holds office. Members
9 shall continue to serve until their successors are appointed.
10 The terms of original members and of members subsequently
11 appointed to fill vacancies created by a change in the number
12 of the Council's members shall be determined to assure as
13 nearly as possible that the terms of one-third of the members
14 in each sector expire each year on June 30th. The original
15 members in each sector shall determine by lot the length of
16 each member's term, one-third to be for 3 years, one-third to
17 be for 2 years, and one-third to be for one year, and the
18 Council's secretary shall record the results. Thereafter, any
19 member appointed to fill a vacancy other than one created by
20 the expiration of a regular 3 year term shall be appointed for
21 the unexpired term of the predecessor member, or in the case of
22 new memberships created by change in number of members, for
23 such term as is appropriate under this subsection.

24 (c) Members of the Advisory Council shall serve without
25 compensation, except that the Department shall reimburse
26 members for travel and per diem expenses associated with

1 participation in Advisory Council meetings and activities.
2 Reimbursement shall be consistent with Illinois Department of
3 Central Management Services rules, as approved by the
4 Governor's Travel Control Board.

5 (Source: P.A. 89-19, eff. 6-3-95.)

6 Section 35. The Department of Children and Family Services
7 Statewide Youth Advisory Board Act is amended by changing
8 Section 15 as follows:

9 (20 ILCS 527/15)

10 Sec. 15. Meetings.

11 (a) Regular meetings of the regional youth advisory boards
12 shall be held monthly.

13 (b) Regular meetings of the Statewide Youth Advisory Board
14 shall be held at least 5 times per year.

15 (c) The Director of the Department or the Director's ~~his~~
16 ~~or her~~ designee shall meet with the Statewide Youth Advisory
17 Board at least quarterly in order to discuss the issues and
18 concerns of youth in foster care.

19 (d) All meetings shall take place at locations, dates, and
20 times determined by the Department or its designee in
21 accordance with the bylaws for the Statewide Youth Advisory
22 Board and the regional youth advisory boards.

23 (Source: P.A. 98-806, eff. 1-1-15.)

1 Section 40. The Interstate Compact on Adoption Act is
2 amended by changing Section 5-35 as follows:

3 (45 ILCS 17/5-35)

4 Sec. 5-35. Medical assistance.

5 (a) A child with special needs who resides in this State
6 and who is the subject of an adoption assistance agreement
7 with another state shall be eligible for medical assistance
8 from this State under Article V of the Illinois Public Aid Code
9 upon the filing of agreed documentation obtained from the
10 assistance state and filed with the Department of Healthcare
11 and Family Services. The Department of Children and Family
12 Services shall be required at least annually to establish that
13 the agreement is still in force or has been renewed.

14 (b) If a child (i) is in another state, (ii) is covered by
15 an adoption assistance agreement made by the Illinois
16 Department of Children and Family Services, and (iii) was
17 eligible for medical assistance under Article V of the
18 Illinois Public Aid Code at the time the child ~~he or she~~
19 resided in this State and would continue to be eligible for
20 that assistance if the child ~~he or she~~ was currently residing
21 in this State, then that child is eligible for medical
22 assistance under Article V of the Illinois Public Aid Code,
23 but only for those medical assistance benefits under Article V
24 that are not provided by the other state. There shall be no
25 payment or reimbursement by this State for services or

1 benefits covered under any insurance or other third party
2 medical contract or arrangement held by the child or the
3 adoptive parents.

4 (c) The submission of any claim for payment or
5 reimbursement for services or benefits pursuant to this
6 Section or the making of any statement in connection
7 therewith, which claim or statement the maker knows or should
8 know to be false, misleading, or fraudulent, shall be
9 punishable as perjury and shall also be subject to a fine not
10 to exceed \$10,000 or imprisonment for not to exceed 2 years, or
11 both.

12 (d) The provisions of this Section shall apply only to
13 medical assistance for children under adoption assistance
14 agreements from states that have entered into a compact with
15 this State under which the other state provided medical
16 assistance to children with special needs under adoption
17 assistance agreements made by this State.

18 (e) The Illinois Department of Children and Family
19 Services and the Department of Healthcare and Family Services
20 may adopt all rules necessary to implement this Section.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 Section 45. The Child Care Act of 1969 is amended by
23 changing Sections 2.24, 3.3, 4.1, 4.2, 5.1, 5.3, 7, 7.2, 7.3,
24 7.4, 7.6, 7.7, 9, 9.1b, 12, 14.5, 14.7, and 18 as follows:

1 (225 ILCS 10/2.24)

2 Sec. 2.24. "Adoption services" includes any one or more of
3 the following services performed for any type of compensation
4 or thing of value, directly or indirectly: (i) arranging for
5 the placement of or placing out a child, (ii) identifying a
6 child for adoption, (iii) matching adoptive parents with birth
7 ~~biological~~ parents, (iv) arranging or facilitating an
8 adoption, (v) taking or acknowledging consents or surrenders
9 for termination of parental rights for purposes of adoption,
10 as defined in the Adoption Act, (vi) performing background
11 studies on a child or adoptive parents, (vii) making
12 determinations of the best interests of a child and the
13 appropriateness of adoptive placement for the child, or (viii)
14 post-placement monitoring of a child prior to adoption.

15 "Adoption services" does not include the following: (1) the
16 provision of legal services by a licensed attorney for which
17 the attorney must be licensed as an attorney under Illinois
18 law, (2) adoption-related services performed by public
19 governmental entities or entities or persons performing
20 investigations by court appointment as described in subsection
21 A of Section 6 of the Adoption Act, (3) prospective birth
22 ~~biological~~ parents or adoptive parents operating on their own
23 behalf, (4) the provision of general education and training on
24 adoption-related topics, or (5) post-adoption services,
25 including supportive services to families to promote the
26 well-being of members of adoptive families or birth families.

1 (Source: P.A. 94-586, eff. 8-15-05.)

2 (225 ILCS 10/3.3)

3 Sec. 3.3. Requirements for criminal background checks for
4 adoption-only homes. In approving an adoption-only home
5 pursuant to Section 3.2 of this Act, if an adult resident has
6 an arrest or conviction record, the licensed child welfare
7 agency:

8 (1) shall thoroughly investigate and evaluate the
9 criminal history of the resident and, in so doing, include
10 an assessment of the applicant's character and, in the
11 case of the prospective adoptive parent, the impact that
12 the criminal history has on the prospective adoptive
13 parent's ~~his or her~~ ability to parent the child; the
14 investigation should consider the type of crime, the
15 number of crimes, the nature of the offense, the age at
16 time of crime, the length of time that has elapsed since
17 the last conviction, the relationship of the crime to the
18 ability to care for children, and any evidence of
19 rehabilitation;

20 (2) shall not approve the home if the record reveals a
21 felony conviction for crimes against a child, including,
22 but not limited to, child abuse or neglect, child
23 pornography, rape, sexual assault, or homicide;

24 (3) shall not approve the home if the record reveals a
25 felony conviction within the last 5 years, including, but

1 not limited to, for physical assault, battery,
2 drug-related offenses, or spousal abuse; and

3 (4) shall not approve the home if the record reveals a
4 felony conviction for homicide, rape, or sexual assault.

5 (Source: P.A. 99-833, eff. 1-1-17.)

6 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

7 Sec. 4.1. Criminal Background Investigations. The
8 Department shall require that each child care facility license
9 applicant as part of the application process, and each
10 employee and volunteer of a child care facility or
11 non-licensed service provider, as a condition of employment,
12 authorize an investigation to determine if such applicant,
13 employee, or volunteer has ever been charged with a crime and
14 if so, the disposition of those charges; this authorization
15 shall indicate the scope of the inquiry and the agencies which
16 may be contacted. Upon this authorization, the Director shall
17 request and receive information and assistance from any
18 federal, State or local governmental agency as part of the
19 authorized investigation. Each applicant, employee, or
20 volunteer of a child care facility or non-licensed service
21 provider shall submit the applicant's, employee's, or
22 volunteer's ~~his or her~~ fingerprints to the Illinois State
23 Police in the form and manner prescribed by the Illinois State
24 Police. These fingerprints shall be checked against the
25 fingerprint records now and hereafter filed in the Illinois

1 State Police and Federal Bureau of Investigation criminal
2 history records databases. The Illinois State Police shall
3 charge a fee for conducting the criminal history records
4 check, which shall be deposited in the State Police Services
5 Fund and shall not exceed the actual cost of the records check.
6 The Illinois State Police shall provide information concerning
7 any criminal charges, and their disposition, now or hereafter
8 filed, against an applicant, employee, or volunteer of a child
9 care facility or non-licensed service provider upon request of
10 the Department of Children and Family Services when the
11 request is made in the form and manner required by the Illinois
12 State Police.

13 Information concerning convictions of a license applicant,
14 employee, or volunteer of a child care facility or
15 non-licensed service provider investigated under this Section,
16 including the source of the information and any conclusions or
17 recommendations derived from the information, shall be
18 provided, upon request, to such applicant, employee, or
19 volunteer of a child care facility or non-licensed service
20 provider prior to final action by the Department on the
21 application. State conviction information provided by the
22 Illinois State Police regarding employees, prospective
23 employees, or volunteers of non-licensed service providers and
24 child care facilities licensed under this Act shall be
25 provided to the operator of such facility, and, upon request,
26 to the employee, prospective employee, or volunteer of a child

1 care facility or non-licensed service provider. Any
2 information concerning criminal charges and the disposition of
3 such charges obtained by the Department shall be confidential
4 and may not be transmitted outside the Department, except as
5 required herein, and may not be transmitted to anyone within
6 the Department except as needed for the purpose of evaluating
7 an application or an employee or volunteer of a child care
8 facility or non-licensed service provider. Only information
9 and standards which bear a reasonable and rational relation to
10 the performance of a child care facility shall be used by the
11 Department or any licensee. Any employee of the Department of
12 Children and Family Services, Illinois State Police, or a
13 child care facility receiving confidential information under
14 this Section who gives or causes to be given any confidential
15 information concerning any criminal convictions of an
16 applicant, employee, or volunteer of a child care facility or
17 non-licensed service provider, shall be guilty of a Class A
18 misdemeanor unless release of such information is authorized
19 by this Section.

20 A child care facility may hire, on a probationary basis,
21 any employee or volunteer of a child care facility or
22 non-licensed service provider authorizing a criminal
23 background investigation under this Section, pending the
24 result of such investigation. Employees and volunteers of a
25 child care facility or non-licensed service provider shall be
26 notified prior to hiring that such employment may be

1 terminated on the basis of criminal background information
2 obtained by the facility.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

5 Sec. 4.2. (a) No applicant may receive a license from the
6 Department and no person may be employed by a licensed child
7 care facility who refuses to authorize an investigation as
8 required by Section 4.1.

9 (b) In addition to the other provisions of this Section,
10 no applicant may receive a license from the Department and no
11 person may be employed by a child care facility licensed by the
12 Department who has been declared a sexually dangerous person
13 under the Sexually Dangerous Persons Act ~~"An Act in relation
14 to sexually dangerous persons, and providing for their
15 commitment, detention and supervision", approved July 6, 1938,
16 as amended,~~ or convicted of committing or attempting to commit
17 any of the following offenses stipulated under the Criminal
18 Code of 1961 or the Criminal Code of 2012:

19 (1) murder;

20 (1.1) solicitation of murder;

21 (1.2) solicitation of murder for hire;

22 (1.3) intentional homicide of an unborn child;

23 (1.4) voluntary manslaughter of an unborn child;

24 (1.5) involuntary manslaughter;

25 (1.6) reckless homicide;

- 1 (1.7) concealment of a homicidal death;
- 2 (1.8) involuntary manslaughter of an unborn child;
- 3 (1.9) reckless homicide of an unborn child;
- 4 (1.10) drug-induced homicide;
- 5 (2) a sex offense under Article 11, except offenses
- 6 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 7 11-40, and 11-45;
- 8 (3) kidnapping;
- 9 (3.1) aggravated unlawful restraint;
- 10 (3.2) forcible detention;
- 11 (3.3) harboring a runaway;
- 12 (3.4) aiding and abetting child abduction;
- 13 (4) aggravated kidnapping;
- 14 (5) child abduction;
- 15 (6) aggravated battery of a child as described in
- 16 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 17 (7) criminal sexual assault;
- 18 (8) aggravated criminal sexual assault;
- 19 (8.1) predatory criminal sexual assault of a child;
- 20 (9) criminal sexual abuse;
- 21 (10) aggravated sexual abuse;
- 22 (11) heinous battery as described in Section 12-4.1 or
- 23 subdivision (a) (2) of Section 12-3.05;
- 24 (12) aggravated battery with a firearm as described in
- 25 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 26 (e) (4) of Section 12-3.05;

- 1 (13) tampering with food, drugs, or cosmetics;
- 2 (14) drug induced infliction of great bodily harm as
- 3 described in Section 12-4.7 or subdivision (g)(1) of
- 4 Section 12-3.05;
- 5 (15) hate crime;
- 6 (16) stalking;
- 7 (17) aggravated stalking;
- 8 (18) threatening public officials;
- 9 (19) home invasion;
- 10 (20) vehicular invasion;
- 11 (21) criminal transmission of HIV;
- 12 (22) criminal abuse or neglect of an elderly person or
- 13 person with a disability as described in Section 12-21 or
- 14 subsection (e) of Section 12-4.4a;
- 15 (23) child abandonment;
- 16 (24) endangering the life or health of a child;
- 17 (25) ritual mutilation;
- 18 (26) ritualized abuse of a child;
- 19 (27) an offense in any other jurisdiction the elements
- 20 of which are similar and bear a substantial relationship
- 21 to any of the foregoing offenses.

22 (b-1) In addition to the other provisions of this Section,
23 beginning January 1, 2004, no new applicant and, on the date of
24 licensure renewal, no current licensee may operate or receive
25 a license from the Department to operate, no person may be
26 employed by, and no adult person may reside in a child care

1 facility licensed by the Department who has been convicted of
2 committing or attempting to commit any of the following
3 offenses or an offense in any other jurisdiction the elements
4 of which are similar and bear a substantial relationship to
5 any of the following offenses:

6 (I) BODILY HARM

- 7 (1) Felony aggravated assault.
8 (2) Vehicular endangerment.
9 (3) Felony domestic battery.
10 (4) Aggravated battery.
11 (5) Heinous battery.
12 (6) Aggravated battery with a firearm.
13 (7) Aggravated battery of an unborn child.
14 (8) Aggravated battery of a senior citizen.
15 (9) Intimidation.
16 (10) Compelling organization membership of persons.
17 (11) Abuse and criminal neglect of a long term care
18 facility resident.
19 (12) Felony violation of an order of protection.

20 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 21 (1) Felony unlawful use of weapons.
22 (2) Aggravated discharge of a firearm.

- 1 (3) Reckless discharge of a firearm.
- 2 (4) Unlawful use of metal piercing bullets.
- 3 (5) Unlawful sale or delivery of firearms on the
- 4 premises of any school.
- 5 (6) Disarming a police officer.
- 6 (7) Obstructing justice.
- 7 (8) Concealing or aiding a fugitive.
- 8 (9) Armed violence.
- 9 (10) Felony contributing to the criminal delinquency
- 10 of a juvenile.

11 (III) DRUG OFFENSES

- 12 (1) Possession of more than 30 grams of cannabis.
- 13 (2) Manufacture of more than 10 grams of cannabis.
- 14 (3) Cannabis trafficking.
- 15 (4) Delivery of cannabis on school grounds.
- 16 (5) Unauthorized production of more than 5 cannabis
- 17 sativa plants.
- 18 (6) Calculated criminal cannabis conspiracy.
- 19 (7) Unauthorized manufacture or delivery of controlled
- 20 substances.
- 21 (8) Controlled substance trafficking.
- 22 (9) Manufacture, distribution, or advertisement of
- 23 look-alike substances.
- 24 (10) Calculated criminal drug conspiracy.

1 (11) Street gang criminal drug conspiracy.

2 (12) Permitting unlawful use of a building.

3 (13) Delivery of controlled, counterfeit, or
4 look-alike substances to persons under age 18, or at truck
5 stops, rest stops, or safety rest areas, or on school
6 property.

7 (14) Using, engaging, or employing persons under 18 to
8 deliver controlled, counterfeit, or look-alike substances.

9 (15) Delivery of controlled substances.

10 (16) Sale or delivery of drug paraphernalia.

11 (17) Felony possession, sale, or exchange of
12 instruments adapted for use of a controlled substance,
13 methamphetamine, or cannabis by subcutaneous injection.

14 (18) Felony possession of a controlled substance.

15 (19) Any violation of the Methamphetamine Control and
16 Community Protection Act.

17 (b-1.5) In addition to any other provision of this
18 Section, for applicants with access to confidential financial
19 information or who submit documentation to support billing,
20 the Department may, in its discretion, deny or refuse to renew
21 a license to an applicant who has been convicted of committing
22 or attempting to commit any of the following felony offenses:

23 (1) financial institution fraud under Section 17-10.6
24 of the Criminal Code of 1961 or the Criminal Code of 2012;

25 (2) identity theft under Section 16-30 of the Criminal
26 Code of 1961 or the Criminal Code of 2012;

1 (3) financial exploitation of an elderly person or a
2 person with a disability under Section 17-56 of the
3 Criminal Code of 1961 or the Criminal Code of 2012;

4 (4) computer tampering under Section 17-51 of the
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (5) aggravated computer tampering under Section 17-52
7 of the Criminal Code of 1961 or the Criminal Code of 2012;

8 (6) computer fraud under Section 17-50 of the Criminal
9 Code of 1961 or the Criminal Code of 2012;

10 (7) deceptive practices under Section 17-1 of the
11 Criminal Code of 1961 or the Criminal Code of 2012;

12 (8) forgery under Section 17-3 of the Criminal Code of
13 1961 or the Criminal Code of 2012;

14 (9) State benefits fraud under Section 17-6 of the
15 Criminal Code of 1961 or the Criminal Code of 2012;

16 (10) mail fraud and wire fraud under Section 17-24 of
17 the Criminal Code of 1961 or the Criminal Code of 2012;

18 (11) theft under paragraphs (1.1) through (11) of
19 subsection (b) of Section 16-1 of the Criminal Code of
20 1961 or the Criminal Code of 2012.

21 (b-2) Notwithstanding subsection (b-1), the Department may
22 make an exception and, for child care facilities other than
23 foster family homes, issue a new child care facility license
24 to or renew the existing child care facility license of an
25 applicant, a person employed by a child care facility, or an
26 applicant who has an adult residing in a home child care

1 facility who was convicted of an offense described in
2 subsection (b-1), provided that all of the following
3 requirements are met:

4 (1) The relevant criminal offense occurred more than 5
5 years prior to the date of application or renewal, except
6 for drug offenses. The relevant drug offense must have
7 occurred more than 10 years prior to the date of
8 application or renewal, unless the applicant passed a drug
9 test, arranged and paid for by the child care facility, no
10 less than 5 years after the offense.

11 (2) The Department must conduct a background check and
12 assess all convictions and recommendations of the child
13 care facility to determine if hiring or licensing the
14 applicant is in accordance with Department administrative
15 rules and procedures.

16 (3) The applicant meets all other requirements and
17 qualifications to be licensed as the pertinent type of
18 child care facility under this Act and the Department's
19 administrative rules.

20 (c) In addition to the other provisions of this Section,
21 no applicant may receive a license from the Department to
22 operate a foster family home, and no adult person may reside in
23 a foster family home licensed by the Department, who has been
24 convicted of committing or attempting to commit any of the
25 following offenses stipulated under the Criminal Code of 1961,
26 the Criminal Code of 2012, the Cannabis Control Act, the

1 Methamphetamine Control and Community Protection Act, and the
2 Illinois Controlled Substances Act:

3 (I) OFFENSES DIRECTED AGAINST THE PERSON

4 (A) KIDNAPPING AND RELATED OFFENSES

5 (1) Unlawful restraint.

6 (B) BODILY HARM

7 (2) Felony aggravated assault.

8 (3) Vehicular endangerment.

9 (4) Felony domestic battery.

10 (5) Aggravated battery.

11 (6) Heinous battery.

12 (7) Aggravated battery with a firearm.

13 (8) Aggravated battery of an unborn child.

14 (9) Aggravated battery of a senior citizen.

15 (10) Intimidation.

16 (11) Compelling organization membership of persons.

17 (12) Abuse and criminal neglect of a long term care
18 facility resident.

19 (13) Felony violation of an order of protection.

20 (II) OFFENSES DIRECTED AGAINST PROPERTY

21 (14) Felony theft.

- 1 (15) Robbery.
- 2 (16) Armed robbery.
- 3 (17) Aggravated robbery.
- 4 (18) Vehicular hijacking.
- 5 (19) Aggravated vehicular hijacking.
- 6 (20) Burglary.
- 7 (21) Possession of burglary tools.
- 8 (22) Residential burglary.
- 9 (23) Criminal fortification of a residence or
- 10 building.
- 11 (24) Arson.
- 12 (25) Aggravated arson.
- 13 (26) Possession of explosive or explosive incendiary
- 14 devices.

15 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 16 (27) Felony unlawful use of weapons.
- 17 (28) Aggravated discharge of a firearm.
- 18 (29) Reckless discharge of a firearm.
- 19 (30) Unlawful use of metal piercing bullets.
- 20 (31) Unlawful sale or delivery of firearms on the
- 21 premises of any school.
- 22 (32) Disarming a police officer.
- 23 (33) Obstructing justice.
- 24 (34) Concealing or aiding a fugitive.

1 (35) Armed violence.

2 (36) Felony contributing to the criminal delinquency
3 of a juvenile.

4 (IV) DRUG OFFENSES

5 (37) Possession of more than 30 grams of cannabis.

6 (38) Manufacture of more than 10 grams of cannabis.

7 (39) Cannabis trafficking.

8 (40) Delivery of cannabis on school grounds.

9 (41) Unauthorized production of more than 5 cannabis
10 sativa plants.

11 (42) Calculated criminal cannabis conspiracy.

12 (43) Unauthorized manufacture or delivery of
13 controlled substances.

14 (44) Controlled substance trafficking.

15 (45) Manufacture, distribution, or advertisement of
16 look-alike substances.

17 (46) Calculated criminal drug conspiracy.

18 (46.5) Streetgang criminal drug conspiracy.

19 (47) Permitting unlawful use of a building.

20 (48) Delivery of controlled, counterfeit, or
21 look-alike substances to persons under age 18, or at truck
22 stops, rest stops, or safety rest areas, or on school
23 property.

24 (49) Using, engaging, or employing persons under 18 to

1 deliver controlled, counterfeit, or look-alike substances.

2 (50) Delivery of controlled substances.

3 (51) Sale or delivery of drug paraphernalia.

4 (52) Felony possession, sale, or exchange of
5 instruments adapted for use of a controlled substance,
6 methamphetamine, or cannabis by subcutaneous injection.

7 (53) Any violation of the Methamphetamine Control and
8 Community Protection Act.

9 (d) Notwithstanding subsection (c), the Department may
10 make an exception and issue a new foster family home license or
11 may renew an existing foster family home license of an
12 applicant who was convicted of an offense described in
13 subsection (c), provided all of the following requirements are
14 met:

15 (1) The relevant criminal offense or offenses occurred
16 more than 10 years prior to the date of application or
17 renewal.

18 (2) The applicant had previously disclosed the
19 conviction or convictions to the Department for purposes
20 of a background check.

21 (3) After the disclosure, the Department either placed
22 a child in the home or the foster family home license was
23 issued.

24 (4) During the background check, the Department had
25 assessed and waived the conviction in compliance with the
26 existing statutes and rules in effect at the time of the

1 hire or licensure.

2 (5) The applicant meets all other requirements and
3 qualifications to be licensed as a foster family home
4 under this Act and the Department's administrative rules.

5 (6) The applicant has a history of providing a safe,
6 stable home environment and appears able to continue to
7 provide a safe, stable home environment.

8 (e) In evaluating the exception pursuant to subsections
9 (b-2) and (d), the Department must carefully review any
10 relevant documents to determine whether the applicant, despite
11 the disqualifying convictions, poses a substantial risk to
12 State resources or clients. In making such a determination,
13 the following guidelines shall be used:

14 (1) the age of the applicant when the offense was
15 committed;

16 (2) the circumstances surrounding the offense;

17 (3) the length of time since the conviction;

18 (4) the specific duties and responsibilities
19 necessarily related to the license being applied for and
20 the bearing, if any, that the applicant's conviction
21 history may have on the applicant's ~~his or her~~ fitness to
22 perform these duties and responsibilities;

23 (5) the applicant's employment references;

24 (6) the applicant's character references and any
25 certificates of achievement;

26 (7) an academic transcript showing educational

1 attainment since the disqualifying conviction;

2 (8) a Certificate of Relief from Disabilities or
3 Certificate of Good Conduct; and

4 (9) anything else that speaks to the applicant's
5 character.

6 (Source: P.A. 101-112, eff. 7-19-19.)

7 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

8 Sec. 5.1. (a) The Department shall ensure that no day care
9 center, group home or child care institution as defined in
10 this Act shall on a regular basis transport a child or children
11 with any motor vehicle unless such vehicle is operated by a
12 person who complies with the following requirements:

13 1. is 21 years of age or older;

14 2. currently holds a valid driver's license, which has
15 not been revoked or suspended for one or more traffic
16 violations during the 3 years immediately prior to the
17 date of application;

18 3. demonstrates physical fitness to operate vehicles
19 by submitting the results of a medical examination
20 conducted by a licensed physician;

21 4. has not been convicted of more than 2 offenses
22 against traffic regulations governing the movement of
23 vehicles within a twelve month period;

24 5. has not been convicted of reckless driving or
25 driving under the influence or manslaughter or reckless

1 homicide resulting from the operation of a motor vehicle
2 within the past 3 years;

3 6. has signed and submitted a written statement
4 certifying that the person ~~he~~ has not, through the
5 unlawful operation of a motor vehicle, caused an accident
6 which resulted in the death of any person within the 5
7 years immediately prior to the date of application.

8 However, such day care centers, group homes and child care
9 institutions may provide for transportation of a child or
10 children for special outings, functions or purposes that are
11 not scheduled on a regular basis without verification that
12 drivers for such purposes meet the requirements of this
13 Section.

14 (a-5) As a means of ensuring compliance with the
15 requirements set forth in subsection (a), the Department shall
16 implement appropriate measures to verify that every individual
17 who is employed at a group home or child care institution meets
18 those requirements.

19 For every person ~~individual~~ employed at a group home or
20 child care institution who regularly transports children in
21 the course of performing the person's ~~his or her~~ duties, the
22 Department must make the verification every 2 years. Upon the
23 Department's request, the Secretary of State shall provide the
24 Department with the information necessary to enable the
25 Department to make the verifications required under subsection
26 (a).

1 In the case of an individual employed at a group home or
2 child care institution who becomes subject to subsection (a)
3 for the first time after the effective date of this amendatory
4 Act of the 94th General Assembly, the Department must make
5 that verification with the Secretary of State before the
6 individual operates a motor vehicle to transport a child or
7 children under the circumstances described in subsection (a).

8 In the case of an individual employed at a group home or
9 child care institution who is subject to subsection (a) on the
10 effective date of this amendatory Act of the 94th General
11 Assembly, the Department must make that verification with the
12 Secretary of State within 30 days after that effective date.

13 If the Department discovers that an individual fails to
14 meet the requirements set forth in subsection (a), the
15 Department shall promptly notify the appropriate group home or
16 child care institution.

17 (b) Any individual who holds a valid Illinois school bus
18 driver permit issued by the Secretary of State pursuant to The
19 Illinois Vehicle Code, and who is currently employed by a
20 school district or parochial school, or by a contractor with a
21 school district or parochial school, to drive a school bus
22 transporting children to and from school, shall be deemed in
23 compliance with the requirements of subsection (a).

24 (c) The Department may, pursuant to Section 8 of this Act,
25 revoke the license of any day care center, group home or child
26 care institution that fails to meet the requirements of this

1 Section.

2 (d) A group home or child care institution that fails to
3 meet the requirements of this Section is guilty of a petty
4 offense and is subject to a fine of not more than \$1,000. Each
5 day that a group home or child care institution fails to meet
6 the requirements of this Section is a separate offense.

7 (Source: P.A. 94-943, eff. 1-1-07.)

8 (225 ILCS 10/5.3)

9 Sec. 5.3. Lunches in day care homes. In order to increase
10 the affordability and availability of day care, a day care
11 home licensed under this Act may allow any child it receives to
12 bring the child's ~~his or her~~ lunch for consumption instead of
13 or in addition to the lunch provided by the day care home.

14 (Source: P.A. 90-242, eff. 1-1-98.)

15 (225 ILCS 10/7) (from Ch. 23, par. 2217)

16 Sec. 7. (a) The Department must prescribe and publish
17 minimum standards for licensing that apply to the various
18 types of facilities for child care defined in this Act and that
19 are equally applicable to like institutions under the control
20 of the Department and to foster family homes used by and under
21 the direct supervision of the Department. The Department shall
22 seek the advice and assistance of persons representative of
23 the various types of child care facilities in establishing
24 such standards. The standards prescribed and published under

1 this Act take effect as provided in the Illinois
2 Administrative Procedure Act, and are restricted to
3 regulations pertaining to the following matters and to any
4 rules and regulations required or permitted by any other
5 Section of this Act:

6 (1) The operation and conduct of the facility and
7 responsibility it assumes for child care;

8 (2) The character, suitability and qualifications of
9 the applicant and other persons directly responsible for
10 the care and welfare of children served. All child day
11 care center licensees and employees who are required to
12 report child abuse or neglect under the Abused and
13 Neglected Child Reporting Act shall be required to attend
14 training on recognizing child abuse and neglect, as
15 prescribed by Department rules;

16 (3) The general financial ability and competence of
17 the applicant to provide necessary care for children and
18 to maintain prescribed standards;

19 (4) The number of individuals or staff required to
20 insure adequate supervision and care of the children
21 received. The standards shall provide that each child care
22 institution, maternity center, day care center, group
23 home, day care home, and group day care home shall have on
24 its premises during its hours of operation at least one
25 staff member certified in first aid, in the Heimlich
26 maneuver and in cardiopulmonary resuscitation by the

1 American Red Cross or other organization approved by rule
2 of the Department. Child welfare agencies shall not be
3 subject to such a staffing requirement. The Department may
4 offer, or arrange for the offering, on a periodic basis in
5 each community in this State in cooperation with the
6 American Red Cross, the American Heart Association or
7 other appropriate organization, voluntary programs to
8 train operators of foster family homes and day care homes
9 in first aid and cardiopulmonary resuscitation;

10 (5) The appropriateness, safety, cleanliness, and
11 general adequacy of the premises, including maintenance of
12 adequate fire prevention and health standards conforming
13 to State laws and municipal codes to provide for the
14 physical comfort, care, and well-being of children
15 received;

16 (6) Provisions for food, clothing, educational
17 opportunities, program, equipment and individual supplies
18 to assure the healthy physical, mental, and spiritual
19 development of children served;

20 (7) Provisions to safeguard the legal rights of
21 children served;

22 (8) Maintenance of records pertaining to the
23 admission, progress, health, and discharge of children,
24 including, for day care centers and day care homes,
25 records indicating each child has been immunized as
26 required by State regulations. The Department shall

1 require proof that children enrolled in a facility have
2 been immunized against Haemophilus Influenzae B (HIB);

3 (9) Filing of reports with the Department;

4 (10) Discipline of children;

5 (11) Protection and fostering of the particular
6 religious faith of the children served;

7 (12) Provisions prohibiting firearms on day care
8 center premises except in the possession of peace
9 officers;

10 (13) Provisions prohibiting handguns on day care home
11 premises except in the possession of peace officers or
12 other adults who must possess a handgun as a condition of
13 employment and who reside on the premises of a day care
14 home;

15 (14) Provisions requiring that any firearm permitted
16 on day care home premises, except handguns in the
17 possession of peace officers, shall be kept in a
18 disassembled state, without ammunition, in locked storage,
19 inaccessible to children and that ammunition permitted on
20 day care home premises shall be kept in locked storage
21 separate from that of disassembled firearms, inaccessible
22 to children;

23 (15) Provisions requiring notification of parents or
24 guardians enrolling children at a day care home of the
25 presence in the day care home of any firearms and
26 ammunition and of the arrangements for the separate,

1 locked storage of such firearms and ammunition;

2 (16) Provisions requiring all licensed child care
3 facility employees who care for newborns and infants to
4 complete training every 3 years on the nature of sudden
5 unexpected infant death (SUID), sudden infant death
6 syndrome (SIDS), and the safe sleep recommendations of the
7 American Academy of Pediatrics; and

8 (17) With respect to foster family homes, provisions
9 requiring the Department to review quality of care
10 concerns and to consider those concerns in determining
11 whether a foster family home is qualified to care for
12 children.

13 By July 1, 2022, all licensed day care home providers,
14 licensed group day care home providers, and licensed day care
15 center directors and classroom staff shall participate in at
16 least one training that includes the topics of early childhood
17 social emotional learning, infant and early childhood mental
18 health, early childhood trauma, or adverse childhood
19 experiences. Current licensed providers, directors, and
20 classroom staff shall complete training by July 1, 2022 and
21 shall participate in training that includes the above topics
22 at least once every 3 years.

23 (b) If, in a facility for general child care, there are
24 children diagnosed as mentally ill or children diagnosed as
25 having an intellectual or physical disability, who are
26 determined to be in need of special mental treatment or of

1 nursing care, or both mental treatment and nursing care, the
2 Department shall seek the advice and recommendation of the
3 Department of Human Services, the Department of Public Health,
4 or both Departments regarding the residential treatment and
5 nursing care provided by the institution.

6 (c) The Department shall investigate any person applying
7 to be licensed as a foster parent to determine whether there is
8 any evidence of current drug or alcohol abuse in the
9 prospective foster family. The Department shall not license a
10 person as a foster parent if drug or alcohol abuse has been
11 identified in the foster family or if a reasonable suspicion
12 of such abuse exists, except that the Department may grant a
13 foster parent license to an applicant identified with an
14 alcohol or drug problem if the applicant has successfully
15 participated in an alcohol or drug treatment program,
16 self-help group, or other suitable activities and if the
17 Department determines that the foster family home can provide
18 a safe, appropriate environment and meet the physical and
19 emotional needs of children.

20 (d) The Department, in applying standards prescribed and
21 published, as herein provided, shall offer consultation
22 through employed staff or other qualified persons to assist
23 applicants and licensees in meeting and maintaining minimum
24 requirements for a license and to help them otherwise to
25 achieve programs of excellence related to the care of children
26 served. Such consultation shall include providing information

1 concerning education and training in early childhood
2 development to providers of day care home services. The
3 Department may provide or arrange for such education and
4 training for those providers who request such assistance.

5 (e) The Department shall distribute copies of licensing
6 standards to all licensees and applicants for a license. Each
7 licensee or holder of a permit shall distribute copies of the
8 appropriate licensing standards and any other information
9 required by the Department to child care facilities under its
10 supervision. Each licensee or holder of a permit shall
11 maintain appropriate documentation of the distribution of the
12 standards. Such documentation shall be part of the records of
13 the facility and subject to inspection by authorized
14 representatives of the Department.

15 (f) The Department shall prepare summaries of day care
16 licensing standards. Each licensee or holder of a permit for a
17 day care facility shall distribute a copy of the appropriate
18 summary and any other information required by the Department,
19 to the legal guardian of each child cared for in that facility
20 at the time when the child is enrolled or initially placed in
21 the facility. The licensee or holder of a permit for a day care
22 facility shall secure appropriate documentation of the
23 distribution of the summary and brochure. Such documentation
24 shall be a part of the records of the facility and subject to
25 inspection by an authorized representative of the Department.

26 (g) The Department shall distribute to each licensee and

1 holder of a permit copies of the licensing or permit standards
2 applicable to such person's facility. Each licensee or holder
3 of a permit shall make available by posting at all times in a
4 common or otherwise accessible area a complete and current set
5 of licensing standards in order that all employees of the
6 facility may have unrestricted access to such standards. All
7 employees of the facility shall have reviewed the standards
8 and any subsequent changes. Each licensee or holder of a
9 permit shall maintain appropriate documentation of the current
10 review of licensing standards by all employees. Such records
11 shall be part of the records of the facility and subject to
12 inspection by authorized representatives of the Department.

13 (h) Any standards involving physical examinations,
14 immunization, or medical treatment shall include appropriate
15 exemptions for children whose parents object thereto on the
16 grounds that they conflict with the tenets and practices of a
17 recognized church or religious organization, of which the
18 parent is an adherent or member, and for children who should
19 not be subjected to immunization for clinical reasons.

20 (i) The Department, in cooperation with the Department of
21 Public Health, shall work to increase immunization awareness
22 and participation among parents of children enrolled in day
23 care centers and day care homes by publishing on the
24 Department's website information about the benefits of
25 immunization against vaccine preventable diseases, including
26 influenza and pertussis. The information for vaccine

1 preventable diseases shall include the incidence and severity
2 of the diseases, the availability of vaccines, and the
3 importance of immunizing children and persons who frequently
4 have close contact with children. The website content shall be
5 reviewed annually in collaboration with the Department of
6 Public Health to reflect the most current recommendations of
7 the Advisory Committee on Immunization Practices (ACIP). The
8 Department shall work with day care centers and day care homes
9 licensed under this Act to ensure that the information is
10 annually distributed to parents in August or September.

11 (j) Any standard adopted by the Department that requires
12 an applicant for a license to operate a day care home to
13 include a copy of a high school diploma or equivalent
14 certificate with the person's ~~his or her~~ application shall be
15 deemed to be satisfied if the applicant includes a copy of a
16 high school diploma or equivalent certificate or a copy of a
17 degree from an accredited institution of higher education or
18 vocational institution or equivalent certificate.

19 (Source: P.A. 102-4, eff. 4-27-21.)

20 (225 ILCS 10/7.2) (from Ch. 23, par. 2217.2)

21 Sec. 7.2. Employer discrimination. (a) For purposes of
22 this Section, "employer" means a licensee or holder of a
23 permit subject to this Act. "Employee" means an employee of
24 such an employer.

25 (b) No employer shall discharge, demote or suspend, or

1 threaten to discharge, demote or suspend, or in any manner
2 discriminate against any employee who:

3 (1) Makes any good faith oral or written complaint of any
4 employer's violation of any licensing or other laws (including
5 but not limited to laws concerning child abuse or the
6 transportation of children) which may result in closure of the
7 facility pursuant to Section 11.2 of this Act to the
8 Department or other agency having statutory responsibility for
9 the enforcement of such laws or to the employer or
10 representative of the employer;

11 (2) Institutes or causes to be instituted against any
12 employer any proceeding concerning the violation of any
13 licensing or other laws, including a proceeding to revoke or
14 to refuse to renew a license under Section 9 of this Act;

15 (3) Is or will be a witness or testify in any proceeding
16 concerning the violation of any licensing or other laws,
17 including a proceeding to revoke or to refuse to renew a
18 license under Section 9 of this Act; or

19 (4) Refuses to perform work in violation of a licensing or
20 other law or regulation after notifying the employer of the
21 violation.

22 (c)(1) A claim by an employee alleging an employer's
23 violation of subsection (b) of this Section shall be presented
24 to the employer within 30 days after the date of the action
25 complained of and shall be filed with the Department of Labor
26 within 60 days after the date of the action complained of.

1 (2) Upon receipt of the complaint, the Department of Labor
2 shall conduct whatever investigation it deems appropriate, and
3 may hold a hearing. After investigation or hearing, the
4 Department of Labor shall determine whether the employer has
5 violated subsection (b) of this Section and it shall notify
6 the employer and the employee of its determination.

7 (3) If the Department of Labor determines that the
8 employer has violated subsection (b) of this Section, and the
9 employer refuses to take remedial action to comply with the
10 determination, the Department of Labor shall so notify the
11 Attorney General, who shall bring an action against the
12 employer in the circuit court seeking enforcement of its
13 determination. The court may order any appropriate relief,
14 including rehiring and reinstatement of the employee to the
15 person's ~~his or her~~ former position with backpay and other
16 benefits.

17 (d) Except for any grievance procedure, arbitration or
18 hearing which is available to the employee pursuant to a
19 collective bargaining agreement, this Section shall be the
20 exclusive remedy for an employee complaining of any action
21 described in subsection (b).

22 (e) Any employer who willfully ~~wilfully~~ refuses to rehire,
23 promote or otherwise restore an employee or former employee
24 who has been determined eligible for rehiring or promotion as
25 a result of any grievance procedure, arbitration or hearing
26 authorized by law shall be guilty of a Class A misdemeanor.

1 (Source: P.A. 85-987.)

2 (225 ILCS 10/7.3)

3 Sec. 7.3. Children placed by private child welfare agency.

4 (a) Before placing a child who is a youth in care in a
5 foster family home, a private child welfare agency must
6 ascertain (i) whether any other children who are youth in care
7 have been placed in that home and (ii) whether every such child
8 who has been placed in that home continues to reside in that
9 home, unless the child has been transferred to another
10 placement or is no longer a youth in care. The agency must keep
11 a record of every other child welfare agency that has placed
12 such a child in that foster family home; the record must
13 include the name and telephone number of a contact person at
14 each such agency.

15 (b) At least once every 30 days, a private child welfare
16 agency that places youth in care in foster family homes must
17 make a site visit to every such home where it has placed a
18 youth in care. The purpose of the site visit is to verify that
19 the child continues to reside in that home and to verify the
20 child's safety and well-being. The agency must document the
21 verification in its records. If a private child welfare agency
22 fails to comply with the requirements of this subsection, the
23 Department must suspend all payments to the agency until the
24 agency complies.

25 (c) The Department must periodically (but no less often

1 than once every 6 months) review the child placement records
2 of each private child welfare agency that places youth in
3 care.

4 (d) If a child placed in a foster family home is missing,
5 the foster parent must promptly report that fact to the
6 Department or to the child welfare agency that placed the
7 child in the home. If the foster parent fails to make such a
8 report, the Department shall put the home on hold for the
9 placement of other children and initiate corrective action
10 that may include revocation of the foster parent's license to
11 operate the foster family home. A foster parent who knowingly
12 and willfully fails to report a missing foster child under
13 this subsection is guilty of a Class A misdemeanor.

14 (e) If a private child welfare agency determines that a
15 youth in care whom it has placed in a foster family home no
16 longer resides in that home, the agency must promptly report
17 that fact to the Department. If the agency fails to make such a
18 report, the Department shall put the agency on hold for the
19 placement of other children and initiate corrective action
20 that may include revocation of the agency's license.

21 (f) When a child is missing from a foster home, the
22 Department or private agency in charge of case management
23 shall report regularly to the foster parent concerning efforts
24 to locate the missing child.

25 (g) The Department must strive to account for the status
26 and whereabouts of every one of its youth in care who it

1 determines is not residing in the authorized placement in
2 which the youth ~~he or she~~ was placed.

3 (Source: P.A. 100-159, eff. 8-18-17.)

4 (225 ILCS 10/7.4)

5 Sec. 7.4. Disclosures.

6 (a) Every licensed child welfare agency providing adoption
7 services shall provide to all prospective clients and to the
8 public written disclosures with respect to its adoption
9 services, policies, and practices, including general
10 eligibility criteria, fees, and the mutual rights and
11 responsibilities of clients, including birth ~~biological~~
12 parents and adoptive parents. The written disclosure shall be
13 posted on any website maintained by the child welfare agency
14 that relates to adoption services. The Department shall adopt
15 rules relating to the contents of the written disclosures.
16 Eligible agencies may be deemed compliant with this subsection
17 (a).

18 (b) Every licensed child welfare agency providing adoption
19 services shall provide to all applicants, prior to
20 application, a written schedule of estimated fees, expenses,
21 and refund policies. Every child welfare agency providing
22 adoption services shall have a written policy that shall be
23 part of its standard adoption contract and state that it will
24 not charge additional fees and expenses beyond those disclosed
25 in the adoption contract unless additional fees are reasonably

1 required by the circumstances and are disclosed to the
2 adoptive parents or parent before they are incurred. The
3 Department shall adopt rules relating to the contents of the
4 written schedule and policy. Eligible agencies may be deemed
5 compliant with this subsection (b).

6 (c) Every licensed child welfare agency providing adoption
7 services must make full and fair disclosure to its clients,
8 including birth ~~biological~~ parents and adoptive parents, of
9 all circumstances material to the placement of a child for
10 adoption. The Department shall adopt rules necessary for the
11 implementation and regulation of the requirements of this
12 subsection (c).

13 (c-5) Whenever a licensed child welfare agency places a
14 child in a licensed foster family home or an adoption-only
15 home, the agency shall provide the following to the caretaker
16 or prospective adoptive parent:

17 (1) Available detailed information concerning the
18 child's educational and health history, copies of
19 immunization records (including insurance and medical card
20 information), a history of the child's previous
21 placements, if any, and reasons for placement changes,
22 excluding any information that identifies or reveals the
23 location of any previous caretaker.

24 (2) A copy of the child's portion of the client
25 service plan, including any visitation arrangement, and
26 all amendments or revisions to it as related to the child.

1 (3) Information containing details of the child's
2 individualized educational plan when the child is
3 receiving special education services.

4 (4) Any known social or behavioral information
5 (including, but not limited to, criminal background, fire
6 setting, perpetration of sexual abuse, destructive
7 behavior, and substance abuse) necessary to care for and
8 safeguard the child.

9 The agency may prepare a written summary of the
10 information required by this subsection, which may be provided
11 to the foster or prospective adoptive parent in advance of a
12 placement. The foster or prospective adoptive parent may
13 review the supporting documents in the child's file in the
14 presence of casework staff. In the case of an emergency
15 placement, casework staff shall at least provide information
16 verbally, if necessary, and must subsequently provide the
17 information in writing as required by this subsection. In the
18 case of emergency placements when time does not allow prior
19 review, preparation, and collection of written information,
20 the agency shall provide such information as it becomes
21 available.

22 The Department shall adopt rules necessary for the
23 implementation and regulation of the requirements of this
24 subsection (c-5).

25 (d) Every licensed child welfare agency providing adoption
26 services shall meet minimum standards set forth by the

1 Department concerning the taking or acknowledging of a consent
2 prior to taking or acknowledging a consent from a prospective
3 birth ~~biological~~ parent. The Department shall adopt rules
4 concerning the minimum standards required by agencies under
5 this Section.

6 (Source: P.A. 99-833, eff. 1-1-17.)

7 (225 ILCS 10/7.6)

8 Sec. 7.6. Annual report. Every licensed child welfare
9 agency providing adoption services shall file an annual report
10 with the Department and with the Attorney General on forms and
11 on a date prescribed by the Department. The annual reports for
12 the preceding 2 years must be made available, upon request, to
13 the public by the Department and every licensed agency and
14 must be included on the website of the Department. Each
15 licensed agency that maintains a website shall provide the
16 reports on its website. The annual report shall include all of
17 the following matters and all other matters required by the
18 Department:

19 (1) a balance sheet and a statement of income and
20 expenses for the year, certified by an independent public
21 accountant; for purposes of this item (1), the audit
22 report filed by an agency with the Department may be
23 included in the annual report and, if so, shall be
24 sufficient to comply with the requirement of this item
25 (1);

1 (2) non-identifying information concerning the
2 placements made by the agency during the year, consisting
3 of the number of adoptive families in the process of
4 obtaining approval for an adoption-only home, the number
5 of adoptive families that are approved and awaiting
6 placement, the number of birth ~~biological~~ parents that the
7 agency is actively working with, the number of placements,
8 and the number of adoptions initiated during the year and
9 the status of each matter at the end of the year;

10 (3) any instance during the year in which the agency
11 lost the right to provide adoption services in any State
12 or country, had its license suspended for cause, or was
13 the subject of other sanctions by any court, governmental
14 agency, or governmental regulatory body relating to the
15 provision of adoption services;

16 (4) any actions related to licensure that were
17 initiated against the agency during the year by a
18 licensing or accrediting body;

19 (5) any pending investigations by federal or State
20 authorities;

21 (6) any criminal charges, child abuse charges,
22 malpractice complaints, or lawsuits against the agency or
23 any of its employees, officers, or directors related to
24 the provision of adoption services and the basis or
25 disposition of the actions;

26 (7) any instance in the year where the agency was

1 found guilty of, or pled guilty to, any criminal or civil
2 or administrative violation under federal, State, or
3 foreign law that relates to the provision of adoption
4 services;

5 (8) any instance in the year where any employee,
6 officer, or director of the agency was found guilty of any
7 crime or was determined to have violated a civil law or
8 administrative rule under federal, State, or foreign law
9 relating to the provision of adoption services; and

10 (9) any civil or administrative proceeding instituted
11 by the agency during the year and relating to adoption
12 services, excluding uncontested adoption proceedings and
13 proceedings filed pursuant to Section 12a of the Adoption
14 Act.

15 Failure to disclose information required under this
16 Section may result in the suspension of the agency's license
17 for a period of 90 days. Subsequent violations may result in
18 revocation of the license.

19 Information disclosed in accordance with this Section
20 shall be subject to the applicable confidentiality
21 requirements of this Act and the Adoption Act.

22 (Source: P.A. 99-833, eff. 1-1-17.)

23 (225 ILCS 10/7.7)

24 Sec. 7.7. Certain waivers prohibited. Licensed child
25 welfare agencies providing adoption services shall not require

1 birth ~~biological~~ or adoptive parents to sign any document that
2 purports to waive claims against an agency for intentional or
3 reckless acts or omissions or for gross negligence. Nothing in
4 this Section shall require an agency to assume risks that are
5 not within the reasonable control of the agency.

6 (Source: P.A. 94-586, eff. 8-15-05.)

7 (225 ILCS 10/9) (from Ch. 23, par. 2219)

8 Sec. 9. Prior to revocation or refusal to renew a license,
9 the Department shall notify the licensee by registered mail
10 with postage prepaid, at the address specified on the license,
11 or at the address of the ranking or presiding officer of a
12 board of directors, or any equivalent body conducting a child
13 care facility, of the contemplated action and that the
14 licensee may, within 10 days of such notification, dating from
15 the postmark of the registered mail, request in writing a
16 public hearing before the Department, and, at the same time,
17 may request a written statement of charges from the
18 Department.

19 (a) Upon written request by the licensee, the Department
20 shall furnish such written statement of charges, and, at the
21 same time, shall set the date and place for the hearing. The
22 charges and notice of the hearing shall be delivered by
23 registered mail with postage prepaid, and the hearing must be
24 held within 30 days, dating from the date of the postmark of
25 the registered mail, except that notification must be made at

1 least 15 days in advance of the date set for the hearing.

2 (b) If no request for a hearing is made within 10 days
3 after notification, or if the Department determines, upon
4 holding a hearing, that the license should be revoked or
5 renewal denied, then the license shall be revoked or renewal
6 denied.

7 (c) Upon the hearing of proceedings in which the license
8 is revoked, renewal of license is refused or full license is
9 denied, the Director of the Department, or any officer or
10 employee duly authorized by the Director ~~him~~ in writing, may
11 administer oaths and the Department may procure, by its
12 subpoena, the attendance of witnesses and the production of
13 relevant books and papers.

14 (d) At the time and place designated, the Director of the
15 Department or the officer or employee authorized by the
16 Director ~~him~~ in writing, shall hear the charges, and both the
17 Department and the licensee shall be allowed to present in
18 person or by counsel such statements, testimony and evidence
19 as may be pertinent to the charges or to the defense thereto.
20 The hearing officer may continue such hearing from time to
21 time, but not to exceed a single period of 30 days, unless
22 special extenuating circumstances make further continuance
23 feasible.

24 (Source: P.A. 83-1362.)

25 (225 ILCS 10/9.1b)

1 Sec. 9.1b. Complaint procedures. All child welfare
2 agencies providing adoption services shall be required by the
3 Department to have complaint policies and procedures that
4 shall be provided in writing to their prospective clients,
5 including birth ~~biological~~ parents, adoptive parents, and
6 adoptees that they have served, at the earliest time possible,
7 and, in the case of birth ~~biological~~ and adoptive parents,
8 prior to placement or prior to entering into any written
9 contract with the clients. These complaint procedures must be
10 filed with the Department within 6 months after the effective
11 date of this amendatory Act of the 94th General Assembly.
12 Failure to comply with this Section may result in the
13 suspension of licensure for a period of 90 days. Subsequent
14 violations may result in licensure revocation. The Department
15 shall adopt rules that describe the complaint procedures
16 required by each agency. These rules shall include without
17 limitation prompt complaint response time, recording of the
18 complaints, prohibition of agency retaliation against the
19 person making the complaint, and agency reporting of all
20 complaints to the Department in a timely manner. Any agency
21 that maintains a website shall post the prescribed complaint
22 procedures and its license number, as well as the statewide
23 toll-free complaint registry telephone number, on its website.
24 (Source: P.A. 94-586, eff. 8-15-05.)

25 (225 ILCS 10/12) (from Ch. 23, par. 2222)

1 Sec. 12. Advertisements.

2 (a) In this Section, "advertise" means communication by
3 any public medium originating or distributed in this State,
4 including, but not limited to, newspapers, periodicals,
5 telephone book listings, outdoor advertising signs, radio, or
6 television.

7 (b) A child care facility or child welfare agency licensed
8 or operating under a permit issued by the Department may
9 publish advertisements for the services that the facility is
10 specifically licensed or issued a permit under this Act to
11 provide. A person, group of persons, agency, association,
12 organization, corporation, institution, center, or group who
13 advertises or causes to be published any advertisement
14 offering, soliciting, or promising to perform adoption
15 services as defined in Section 2.24 of this Act is guilty of a
16 Class A misdemeanor and shall be subject to a fine not to
17 exceed \$10,000 or 9 months imprisonment for each
18 advertisement, unless that person, group of persons, agency,
19 association, organization, corporation, institution, center,
20 or group is (i) licensed or operating under a permit issued by
21 the Department as a child care facility or child welfare
22 agency, (ii) a birth ~~biological~~ parent or a prospective
23 adoptive parent acting on the birth parent's or prospective
24 adoptive parent's ~~his or her~~ own behalf, or (iii) a licensed
25 attorney advertising the licensed attorney's ~~his or her~~
26 availability to provide legal services relating to adoption,

1 as permitted by law.

2 (c) Every advertisement published after the effective date
3 of this amendatory Act of the 94th General Assembly shall
4 include the Department-issued license number of the facility
5 or agency.

6 (d) Any licensed child welfare agency providing adoption
7 services that, after the effective date of this amendatory Act
8 of the 94th General Assembly, causes to be published an
9 advertisement containing reckless or intentional
10 misrepresentations concerning adoption services or
11 circumstances material to the placement of a child for
12 adoption is guilty of a Class A misdemeanor and is subject to a
13 fine not to exceed \$10,000 or 9 months imprisonment for each
14 advertisement.

15 (e) An out-of-state agency that is not licensed in
16 Illinois and that has a written interagency agreement with one
17 or more Illinois licensed child welfare agencies may advertise
18 under this Section, provided that (i) the out-of-state agency
19 must be officially recognized by the United States Internal
20 Revenue Service as a tax-exempt organization under 501(c)(3)
21 of the Internal Revenue Code of 1986 (or any successor
22 provision of federal tax law), (ii) the out-of-state agency
23 provides only international adoption services and is covered
24 by the Intercountry Adoption Act of 2000, (iii) the
25 out-of-state agency displays, in the advertisement, the
26 license number of at least one of the Illinois licensed child

1 welfare agencies with which it has a written agreement, and
2 (iv) the advertisements pertain only to international adoption
3 services. Subsection (d) of this Section shall apply to any
4 out-of-state agencies described in this subsection (e).

5 (f) An advertiser, publisher, or broadcaster, including,
6 but not limited to, newspapers, periodicals, telephone book
7 publishers, outdoor advertising signs, radio stations, or
8 television stations, who knowingly or recklessly advertises or
9 publishes any advertisement offering, soliciting, or promising
10 to perform adoption services, as defined in Section 2.24 of
11 this Act, on behalf of a person, group of persons, agency,
12 association, organization, corporation, institution, center,
13 or group, not authorized to advertise under subsection (b) or
14 subsection (e) of this Section, is guilty of a Class A
15 misdemeanor and is subject to a fine not to exceed \$10,000 or 9
16 months imprisonment for each advertisement.

17 (g) The Department shall maintain a website listing child
18 welfare agencies licensed by the Department that provide
19 adoption services and other general information for birth
20 ~~biological~~ parents and adoptive parents. The website shall
21 include, but not be limited to, agency addresses, phone
22 numbers, e-mail addresses, website addresses, annual reports
23 as referenced in Section 7.6 of this Act, agency license
24 numbers, the Birth Parent Bill of Rights, the Adoptive Parents
25 Bill of Rights, and the Department's complaint registry
26 established under Section 9.1a of this Act. The Department

1 shall adopt any rules necessary to implement this Section.

2 (h) Nothing in this Act shall prohibit a day care agency,
3 day care center, day care home, or group day care home that
4 does not provide or perform adoption services, as defined in
5 Section 2.24 of this Act, from advertising or marketing the
6 day care agency, day care center, day care home, or group day
7 care home.

8 (Source: P.A. 100-406, eff. 1-1-18.)

9 (225 ILCS 10/14.5)

10 Sec. 14.5. Offering, providing, or co-signing a loan or
11 other credit accommodation. No person or entity shall offer,
12 provide, or co-sign a loan or other credit accommodation,
13 directly or indirectly, with a birth ~~biological~~ parent or a
14 relative of a birth ~~biological~~ parent based on the contingency
15 of a surrender or placement of a child for adoption.

16 (Source: P.A. 93-1063, eff. 6-1-05.)

17 (225 ILCS 10/14.7)

18 Sec. 14.7. Payments to birth ~~biological~~ parents.

19 (a) Payment of reasonable living expenses by a child
20 welfare agency shall not obligate the birth ~~biological~~ parents
21 to place the child for adoption. In the event that the birth
22 ~~biological~~ parents choose not to place the child for adoption,
23 the child welfare agency shall have no right to seek
24 reimbursement from the birth ~~biological~~ parents, or from any

1 relative of the birth ~~biological~~ parents, of moneys paid to,
2 or on behalf of, the birth ~~biological~~ parents, except as
3 provided in subsection (b) of this Section.

4 (b) Notwithstanding subsection (a) of this Section, a
5 child welfare agency may seek reimbursement of reasonable
6 living expenses from a person who receives such payments only
7 if the person who accepts payment of reasonable living
8 expenses before the child's birth, as described in subsection
9 (a) of this Section, knows that the person on whose behalf they
10 are accepting payment is not pregnant at the time of the
11 receipt of such payments or the person receives reimbursement
12 for reasonable living expenses simultaneously from more than
13 one child welfare agency without the agencies' knowledge.

14 (Source: P.A. 94-586, eff. 8-15-05.)

15 (225 ILCS 10/18) (from Ch. 23, par. 2228)

16 Sec. 18. Any person, group of persons, association or
17 corporation who

18 (1) conducts, operates or acts as a child care facility
19 without a license or permit to do so in violation of Section 3
20 of this Act;

21 (2) makes materially false statements in order to obtain a
22 license or permit;

23 (3) fails to keep the records and make the reports
24 provided under this Act;

25 (4) advertises any service not authorized by license or

1 permit held;

2 (5) publishes any advertisement in violation of this Act;

3 (6) receives within this State any child in violation of
4 Section 16 of this Act; or

5 (7) violates any other provision of this Act or any
6 reasonable rule or regulation adopted and published by the
7 Department for the enforcement of the provisions of this Act,
8 is guilty of a Class A misdemeanor and in case of an
9 association or corporation, imprisonment may be imposed upon
10 its officers who knowingly participated in the violation.

11 Any child care facility that continues to operate after
12 its license is revoked under Section 8 of this Act or after its
13 license expires and the Department refused to renew the
14 license as provided in Section 8 of this Act is guilty of a
15 business offense and shall be fined an amount in excess of \$500
16 but not exceeding \$10,000, and each day of violation is a
17 separate offense.

18 In a prosecution under this Act, a defendant who relies
19 upon the relationship of any child to the defendant ~~himself~~
20 has the burden of proof as to that relationship.

21 (Source: P.A. 83-1362.)

22 Section 50. The Abandoned Newborn Infant Protection Act is
23 amended by changing Sections 10, 15, 30, and 35 as follows:

24 (325 ILCS 2/10)

1 Sec. 10. Definitions. In this Act:

2 "Abandon" has the same meaning as in the Abused and
3 Neglected Child Reporting Act.

4 "Abused child" has the same meaning as in the Abused and
5 Neglected Child Reporting Act.

6 "Child-placing agency" means a licensed public or private
7 agency that receives a child for the purpose of placing or
8 arranging for the placement of the child in a foster family
9 home or other facility for child care, apart from the custody
10 of the child's parents.

11 "Department" or "DCFS" means the Illinois Department of
12 Children and Family Services.

13 "Emergency medical facility" means a freestanding
14 emergency center or trauma center, as defined in the Emergency
15 Medical Services (EMS) Systems Act.

16 "Emergency medical professional" includes licensed
17 physicians, and any emergency medical technician, emergency
18 medical technician-intermediate, advanced emergency medical
19 technician, paramedic, trauma nurse specialist, and
20 pre-hospital registered nurse, as defined in the Emergency
21 Medical Services (EMS) Systems Act.

22 "Fire station" means a fire station within the State with
23 at least one staff person.

24 "Hospital" has the same meaning as in the Hospital
25 Licensing Act.

26 "Legal custody" means the relationship created by a court

1 order in the best interest of a newborn infant that imposes on
2 the infant's custodian the responsibility of physical
3 possession of the infant, the duty to protect, train, and
4 discipline the infant, and the duty to provide the infant with
5 food, shelter, education, and medical care, except as these
6 are limited by parental rights and responsibilities.

7 "Neglected child" has the same meaning as in the Abused
8 and Neglected Child Reporting Act.

9 "Newborn infant" means a child who a licensed physician
10 reasonably believes is 30 days old or less at the time the
11 child is initially relinquished to a hospital, police station,
12 fire station, or emergency medical facility, and who is not an
13 abused or a neglected child.

14 "Police station" means a municipal police station, a
15 county sheriff's office, a campus police department located on
16 any college or university owned or controlled by the State or
17 any private college or private university that is not owned or
18 controlled by the State when employees of the campus police
19 department are present, or any of the district headquarters of
20 the Illinois State Police.

21 "Relinquish" means to bring a newborn infant, who a
22 licensed physician reasonably believes is 30 days old or less,
23 to a hospital, police station, fire station, or emergency
24 medical facility and to leave the infant with personnel of the
25 facility, if the person leaving the infant does not express an
26 intent to return for the infant or states that the person ~~he or~~

1 ~~she~~ will not return for the infant. In the case of a person
2 ~~mother~~ who gives birth to an infant in a hospital, the person's
3 ~~mother's~~ act of leaving that newborn infant at the hospital
4 (i) without expressing an intent to return for the infant or
5 (ii) stating that the person ~~she~~ will not return for the infant
6 is not a "relinquishment" under this Act.

7 "Temporary protective custody" means the temporary
8 placement of a newborn infant within a hospital or other
9 medical facility out of the custody of the infant's parent.

10 (Source: P.A. 97-293, eff. 8-11-11; 98-973, eff. 8-15-14.)

11 (325 ILCS 2/15)

12 Sec. 15. Presumptions.

13 (a) There is a presumption that by relinquishing a newborn
14 infant in accordance with this Act, the infant's parent
15 consents to the termination of the parent's ~~his or her~~
16 parental rights with respect to the infant.

17 (b) There is a presumption that a person relinquishing a
18 newborn infant in accordance with this Act:

19 (1) is the newborn infant's birth ~~biological~~ parent;

20 and

21 (2) either without expressing an intent to return for
22 the infant or expressing an intent not to return for the
23 infant, did intend to relinquish the infant to the
24 hospital, police station, fire station, or emergency
25 medical facility to treat, care for, and provide for the

1 infant in accordance with this Act.

2 (c) A parent of a relinquished newborn infant may rebut
3 the presumption set forth in either subsection (a) or
4 subsection (b) pursuant to Section 55, at any time before the
5 termination of the parent's parental rights.

6 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
7 93-820, eff. 7-27-04.)

8 (325 ILCS 2/30)

9 Sec. 30. Anonymity of relinquishing person. If there is
10 no evidence of abuse or neglect of a relinquished newborn
11 infant, the relinquishing person has the right to remain
12 anonymous and to leave the hospital, police station, fire
13 station, or emergency medical facility at any time and not be
14 pursued or followed. Before the relinquishing person leaves
15 the hospital, police station, fire station, or emergency
16 medical facility, the hospital, police station, fire station,
17 or emergency medical facility personnel shall (i) verbally
18 inform the relinquishing person that by relinquishing the
19 child anonymously, the relinquishing person ~~he or she~~ will
20 have to petition the court if the relinquishing person ~~he or~~
21 ~~she~~ desires to prevent the termination of parental rights and
22 regain custody of the child and (ii) shall offer the
23 relinquishing person the information packet described in
24 Section 35 of this Act. However, nothing in this Act shall be
25 construed as precluding the relinquishing person from

1 providing the relinquishing person's ~~his or her~~ identity or
2 completing the application forms for the Illinois Adoption
3 Registry and Medical Information Exchange and requesting that
4 the hospital, police station, fire station, or emergency
5 medical facility forward those forms to the Illinois Adoption
6 Registry and Medical Information Exchange.

7 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
8 93-820, eff. 7-27-04.)

9 (325 ILCS 2/35)

10 Sec. 35. Information for relinquishing person.

11 (a) A hospital, police station, fire station, or emergency
12 medical facility that receives a newborn infant relinquished
13 in accordance with this Act must offer an information packet
14 to the relinquishing person and, if possible, must clearly
15 inform the relinquishing person that the relinquishing
16 person's ~~his or her~~ acceptance of the information is
17 completely voluntary. The information packet must include all
18 of the following:

19 (1) (Blank).

20 (2) Written notice of the following:

21 (A) No sooner than 60 days following the date of
22 the initial relinquishment of the infant to a
23 hospital, police station, fire station, or emergency
24 medical facility, the child-placing agency or the
25 Department will commence proceedings for the

1 termination of parental rights and placement of the
2 infant for adoption.

3 (B) Failure of a parent of the infant to contact
4 the Department and petition for the return of custody
5 of the infant before termination of parental rights
6 bars any future action asserting legal rights with
7 respect to the infant.

8 (3) A resource list of providers of counseling
9 services including grief counseling, pregnancy counseling,
10 and counseling regarding adoption and other available
11 options for placement of the infant.

12 Upon request of a parent, the Department of Public Health
13 shall provide the application forms for the Illinois Adoption
14 Registry and Medical Information Exchange.

15 (b) The information packet given to a relinquishing parent
16 in accordance with this Act shall include, in addition to
17 other information required under this Act, the following:

18 (1) A brochure (with a self-mailer attached) that
19 describes this Act and the rights of birth parents,
20 including an optional section for the parent to complete
21 and mail to the Department of Children and Family
22 Services, that shall ask for basic anonymous background
23 information about the relinquished child. This brochure
24 shall be maintained by the Department on its website.

25 (2) A brochure that describes the Illinois Adoption
26 Registry, including a toll-free number and website

1 information. This brochure shall be maintained on the
2 Office of Vital Records website.

3 (3) A brochure describing postpartum health
4 information ~~for the mother~~.

5 The information packet shall be designed in coordination
6 between the Office of Vital Records and the Department of
7 Children and Family Services, with the exception of the
8 resource list of providers of counseling services and adoption
9 agencies, which shall be provided by the hospital, fire
10 station, police station, sheriff's office, or emergency
11 medical facility.

12 (Source: P.A. 96-1114, eff. 7-20-10; 97-333, eff. 8-12-11.)

13 Section 55. The Abused and Neglected Child Reporting Act
14 is amended by changing Sections 2.1, 3, 4, 4.1, 4.2, 4.4, 4.5,
15 5, 7, 7.3b, 7.3c, 7.4, 7.9, 7.14, 7.16, 7.19, 11.1, 11.1a,
16 11.3, 11.5, and 11.8 as follows:

17 (325 ILCS 5/2.1) (from Ch. 23, par. 2052.1)

18 Sec. 2.1. Any person or family seeking assistance in
19 meeting child care responsibilities may use the services and
20 facilities established by this Act which may assist in meeting
21 such responsibilities. Whether or not the problem presented
22 constitutes child abuse or neglect, such persons or families
23 shall be referred to appropriate resources or agencies. No
24 person seeking assistance under this Section shall be required

1 to give the person's ~~his~~ name or any other identifying
2 information.

3 (Source: P.A. 81-1077.)

4 (325 ILCS 5/3) (from Ch. 23, par. 2053)

5 Sec. 3. As used in this Act unless the context otherwise
6 requires:

7 "Adult resident" means any person between 18 and 22 years
8 of age who resides in any facility licensed by the Department
9 under the Child Care Act of 1969. For purposes of this Act, the
10 criteria set forth in the definitions of "abused child" and
11 "neglected child" shall be used in determining whether an
12 adult resident is abused or neglected.

13 "Agency" means a child care facility licensed under
14 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
15 includes a transitional living program that accepts children
16 and adult residents for placement who are in the guardianship
17 of the Department.

18 "Blatant disregard" means an incident where the real,
19 significant, and imminent risk of harm would be so obvious to a
20 reasonable parent or caretaker that it is unlikely that a
21 reasonable parent or caretaker would have exposed the child to
22 the danger without exercising precautionary measures to
23 protect the child from harm. With respect to a person working
24 at an agency in the person's ~~his or her~~ professional capacity
25 with a child or adult resident, "blatant disregard" includes a

1 failure by the person to perform job responsibilities intended
2 to protect the child's or adult resident's health, physical
3 well-being, or welfare, and, when viewed in light of the
4 surrounding circumstances, evidence exists that would cause a
5 reasonable person to believe that the child was neglected.
6 With respect to an agency, "blatant disregard" includes a
7 failure to implement practices that ensure the health,
8 physical well-being, or welfare of the children and adult
9 residents residing in the facility.

10 "Child" means any person under the age of 18 years, unless
11 legally emancipated by reason of marriage or entry into a
12 branch of the United States armed services.

13 "Department" means Department of Children and Family
14 Services.

15 "Local law enforcement agency" means the police of a city,
16 town, village or other incorporated area or the sheriff of an
17 unincorporated area or any sworn officer of the Illinois
18 ~~Department of State Police.~~

19 "Abused child" means a child whose parent or immediate
20 family member, or any person responsible for the child's
21 welfare, or any individual residing in the same home as the
22 child, or a paramour of the child's parent:

23 (a) inflicts, causes to be inflicted, or allows to be
24 inflicted upon such child physical injury, by other than
25 accidental means, which causes death, disfigurement,
26 impairment of physical or emotional health, or loss or

1 impairment of any bodily function;

2 (b) creates a substantial risk of physical injury to
3 such child by other than accidental means which would be
4 likely to cause death, disfigurement, impairment of
5 physical or emotional health, or loss or impairment of any
6 bodily function;

7 (c) commits or allows to be committed any sex offense
8 against such child, as such sex offenses are defined in
9 the Criminal Code of 2012 or in the Wrongs to Children Act,
10 and extending those definitions of sex offenses to include
11 children under 18 years of age;

12 (d) commits or allows to be committed an act or acts of
13 torture upon such child;

14 (e) inflicts excessive corporal punishment or, in the
15 case of a person working for an agency who is prohibited
16 from using corporal punishment, inflicts corporal
17 punishment upon a child or adult resident with whom the
18 person is working in the person's ~~his or her~~ professional
19 capacity;

20 (f) commits or allows to be committed the offense of
21 female genital mutilation, as defined in Section 12-34 of
22 the Criminal Code of 2012, against the child;

23 (g) causes to be sold, transferred, distributed, or
24 given to such child under 18 years of age, a controlled
25 substance as defined in Section 102 of the Illinois
26 Controlled Substances Act in violation of Article IV of

1 the Illinois Controlled Substances Act or in violation of
2 the Methamphetamine Control and Community Protection Act,
3 except for controlled substances that are prescribed in
4 accordance with Article III of the Illinois Controlled
5 Substances Act and are dispensed to such child in a manner
6 that substantially complies with the prescription;

7 (h) commits or allows to be committed the offense of
8 involuntary servitude, involuntary sexual servitude of a
9 minor, or trafficking in persons as defined in Section
10 10-9 of the Criminal Code of 2012 against the child; or

11 (i) commits the offense of grooming, as defined in
12 Section 11-25 of the Criminal Code of 2012, against the
13 child.

14 A child shall not be considered abused for the sole reason
15 that the child has been relinquished in accordance with the
16 Abandoned Newborn Infant Protection Act.

17 "Neglected child" means any child who is not receiving the
18 proper or necessary nourishment or medically indicated
19 treatment including food or care not provided solely on the
20 basis of the present or anticipated mental or physical
21 impairment as determined by a physician acting alone or in
22 consultation with other physicians or otherwise is not
23 receiving the proper or necessary support or medical or other
24 remedial care recognized under State law as necessary for a
25 child's well-being, or other care necessary for the child's
26 ~~his or her~~ well-being, including adequate food, clothing and

1 shelter; or who is subjected to an environment which is
2 injurious insofar as (i) the child's environment creates a
3 likelihood of harm to the child's health, physical well-being,
4 or welfare and (ii) the likely harm to the child is the result
5 of a blatant disregard of parent, caretaker, person
6 responsible for the child's welfare, or agency
7 responsibilities; or who is abandoned by the child's ~~his or~~
8 ~~her~~ parents or other person responsible for the child's
9 welfare without a proper plan of care; or who has been provided
10 with interim crisis intervention services under Section 3-5 of
11 the Juvenile Court Act of 1987 and whose parent, guardian, or
12 custodian refuses to permit the child to return home and no
13 other living arrangement agreeable to the parent, guardian, or
14 custodian can be made, and the parent, guardian, or custodian
15 has not made any other appropriate living arrangement for the
16 child; or who is a newborn infant whose blood, urine, or
17 meconium contains any amount of a controlled substance as
18 defined in subsection (f) of Section 102 of the Illinois
19 Controlled Substances Act or a metabolite thereof, with the
20 exception of a controlled substance or metabolite thereof
21 whose presence in the newborn infant is the result of medical
22 treatment administered to the person who gave birth ~~mother~~ or
23 the newborn infant. A child shall not be considered neglected
24 for the sole reason that the child's parent or other person
25 responsible for the child's ~~his or her~~ welfare has left the
26 child in the care of an adult relative for any period of time.

1 A child shall not be considered neglected for the sole reason
2 that the child has been relinquished in accordance with the
3 Abandoned Newborn Infant Protection Act. A child shall not be
4 considered neglected or abused for the sole reason that such
5 child's parent or other person responsible for the child's ~~his~~
6 ~~or her~~ welfare depends upon spiritual means through prayer
7 alone for the treatment or cure of disease or remedial care as
8 provided under Section 4 of this Act. A child shall not be
9 considered neglected or abused solely because the child is not
10 attending school in accordance with the requirements of
11 Article 26 of The School Code, as amended.

12 "Child Protective Service Unit" means certain specialized
13 State employees of the Department assigned by the Director to
14 perform the duties and responsibilities as provided under
15 Section 7.2 of this Act.

16 "Near fatality" means an act that, as certified by a
17 physician, places the child in serious or critical condition,
18 including acts of great bodily harm inflicted upon children
19 under 13 years of age, and as otherwise defined by Department
20 rule.

21 "Great bodily harm" includes bodily injury which creates a
22 high probability of death, or which causes serious permanent
23 disfigurement, or which causes a permanent or protracted loss
24 or impairment of the function of any bodily member or organ, or
25 other serious bodily harm.

26 "Person responsible for the child's welfare" means the

1 child's parent; guardian; foster parent; relative caregiver;
2 any person responsible for the child's welfare in a public or
3 private residential agency or institution; any person
4 responsible for the child's welfare within a public or private
5 profit or not for profit child care facility; or any other
6 person responsible for the child's welfare at the time of the
7 alleged abuse or neglect, including any person who commits or
8 allows to be committed, against the child, the offense of
9 involuntary servitude, involuntary sexual servitude of a
10 minor, or trafficking in persons for forced labor or services,
11 as provided in Section 10-9 of the Criminal Code of 2012,
12 including, but not limited to, the custodian of the minor, or
13 any person who came to know the child through an official
14 capacity or position of trust, including, but not limited to,
15 health care professionals, educational personnel, recreational
16 supervisors, members of the clergy, and volunteers or support
17 personnel in any setting where children may be subject to
18 abuse or neglect.

19 "Temporary protective custody" means custody within a
20 hospital or other medical facility or a place previously
21 designated for such custody by the Department, subject to
22 review by the Court, including a licensed foster home, group
23 home, or other institution; but such place shall not be a jail
24 or other place for the detention of criminal or juvenile
25 offenders.

26 "An unfounded report" means any report made under this Act

1 for which it is determined after an investigation that no
2 credible evidence of abuse or neglect exists.

3 "An indicated report" means a report made under this Act
4 if an investigation determines that credible evidence of the
5 alleged abuse or neglect exists.

6 "An undetermined report" means any report made under this
7 Act in which it was not possible to initiate or complete an
8 investigation on the basis of information provided to the
9 Department.

10 "Subject of report" means any child reported to the
11 central register of child abuse and neglect established under
12 Section 7.7 of this Act as an alleged victim of child abuse or
13 neglect and the parent or guardian of the alleged victim or
14 other person responsible for the alleged victim's welfare who
15 is named in the report or added to the report as an alleged
16 perpetrator of child abuse or neglect.

17 "Perpetrator" means a person who, as a result of
18 investigation, has been determined by the Department to have
19 caused child abuse or neglect.

20 "Member of the clergy" means a clergyperson ~~clergyman~~ or
21 practitioner of any religious denomination accredited by the
22 religious body to which the clergyperson or practitioner ~~he or~~
23 ~~she~~ belongs.

24 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
25 revised 12-15-21.)

1 (325 ILCS 5/4)

2 Sec. 4. Persons required to report; privileged
3 communications; transmitting false report.

4 (a) The following persons are required to immediately
5 report to the Department when they have reasonable cause to
6 believe that a child known to them in their professional or
7 official capacities may be an abused child or a neglected
8 child:

9 (1) Medical personnel, including any: physician
10 licensed to practice medicine in any of its branches
11 (medical doctor or doctor of osteopathy); resident;
12 intern; medical administrator or personnel engaged in the
13 examination, care, and treatment of persons; psychiatrist;
14 surgeon; dentist; dental hygienist; chiropractic
15 physician; podiatric physician; physician assistant;
16 emergency medical technician; acupuncturist; registered
17 nurse; licensed practical nurse; advanced practice
18 registered nurse; genetic counselor; respiratory care
19 practitioner; home health aide; or certified nursing
20 assistant.

21 (2) Social services and mental health personnel,
22 including any: licensed professional counselor; licensed
23 clinical professional counselor; licensed social worker;
24 licensed clinical social worker; licensed psychologist or
25 assistant working under the direct supervision of a
26 psychologist; associate licensed marriage and family

1 therapist; licensed marriage and family therapist; field
2 personnel of the Departments of Healthcare and Family
3 Services, Public Health, Human Services, Human Rights, or
4 Children and Family Services; supervisor or administrator
5 of the General Assistance program established under
6 Article VI of the Illinois Public Aid Code; social
7 services administrator; or substance abuse treatment
8 personnel.

9 (3) Crisis intervention personnel, including any:
10 crisis line or hotline personnel; or domestic violence
11 program personnel.

12 (4) Education personnel, including any: school
13 personnel (including administrators and certified and
14 non-certified school employees); personnel of institutions
15 of higher education; educational advocate assigned to a
16 child in accordance with the School Code; member of a
17 school board or the Chicago Board of Education or the
18 governing body of a private school (but only to the extent
19 required under subsection (d)); or truant officer.

20 (5) Recreation or athletic program or facility
21 personnel.

22 (6) Child care personnel, including any: early
23 intervention provider as defined in the Early Intervention
24 Services System Act; director or staff assistant of a
25 nursery school or a child day care center; or foster
26 parent, homemaker, or child care worker.

1 (7) Law enforcement personnel, including any: law
2 enforcement officer; field personnel of the Department of
3 Juvenile Justice; field personnel of the Department of
4 Corrections; probation officer; or animal control officer
5 or field investigator of the Department of Agriculture's
6 Bureau of Animal Health and Welfare.

7 (8) Any funeral home director; funeral home director
8 and embalmer; funeral home employee; coroner; or medical
9 examiner.

10 (9) Any member of the clergy.

11 (10) Any physician, physician assistant, registered
12 nurse, licensed practical nurse, medical technician,
13 certified nursing assistant, licensed social worker,
14 licensed clinical social worker, or licensed professional
15 counselor of any office, clinic, or any other physical
16 location that provides abortions, abortion referrals, or
17 contraceptives.

18 (b) When 2 or more persons who work within the same
19 workplace and are required to report under this Act share a
20 reasonable cause to believe that a child may be an abused or
21 neglected child, one of those reporters may be designated to
22 make a single report. The report shall include the names and
23 contact information for the other mandated reporters sharing
24 the reasonable cause to believe that a child may be an abused
25 or neglected child. The designated reporter must provide
26 written confirmation of the report to those mandated reporters

1 within 48 hours. If confirmation is not provided, those
2 mandated reporters are individually responsible for
3 immediately ensuring a report is made. Nothing in this Section
4 precludes or may be used to preclude any person from reporting
5 child abuse or child neglect.

6 (c) (1) As used in this Section, "a child known to them in
7 their professional or official capacities" means:

8 (A) the mandated reporter comes into contact with the
9 child in the course of the reporter's employment or
10 practice of a profession, or through a regularly scheduled
11 program, activity, or service;

12 (B) the mandated reporter is affiliated with an
13 agency, institution, organization, school, school
14 district, regularly established church or religious
15 organization, or other entity that is directly responsible
16 for the care, supervision, guidance, or training of the
17 child; or

18 (C) a person makes a specific disclosure to the
19 mandated reporter that an identifiable child is the victim
20 of child abuse or child neglect, and the disclosure
21 happens while the mandated reporter is engaged in the
22 reporter's ~~his or her~~ employment or practice of a
23 profession, or in a regularly scheduled program, activity,
24 or service.

25 (2) Nothing in this Section requires a child to come
26 before the mandated reporter in order for the reporter to make

1 a report of suspected child abuse or child neglect.

2 (d) If an allegation is raised to a school board member
3 during the course of an open or closed school board meeting
4 that a child who is enrolled in the school district of which
5 the person ~~he or she~~ is a board member is an abused child as
6 defined in Section 3 of this Act, the member shall direct or
7 cause the school board to direct the superintendent of the
8 school district or other equivalent school administrator to
9 comply with the requirements of this Act concerning the
10 reporting of child abuse. For purposes of this paragraph, a
11 school board member is granted the authority in that board
12 member's ~~his or her~~ individual capacity to direct the
13 superintendent of the school district or other equivalent
14 school administrator to comply with the requirements of this
15 Act concerning the reporting of child abuse.

16 Notwithstanding any other provision of this Act, if an
17 employee of a school district has made a report or caused a
18 report to be made to the Department under this Act involving
19 the conduct of a current or former employee of the school
20 district and a request is made by another school district for
21 the provision of information concerning the job performance or
22 qualifications of the current or former employee because the
23 current or former employee ~~he or she~~ is an applicant for
24 employment with the requesting school district, the general
25 superintendent of the school district to which the request is
26 being made must disclose to the requesting school district the

1 fact that an employee of the school district has made a report
2 involving the conduct of the applicant or caused a report to be
3 made to the Department, as required under this Act. Only the
4 fact that an employee of the school district has made a report
5 involving the conduct of the applicant or caused a report to be
6 made to the Department may be disclosed by the general
7 superintendent of the school district to which the request for
8 information concerning the applicant is made, and this fact
9 may be disclosed only in cases where the employee and the
10 general superintendent have not been informed by the
11 Department that the allegations were unfounded. An employee of
12 a school district who is or has been the subject of a report
13 made pursuant to this Act during the employee's ~~his or her~~
14 employment with the school district must be informed by that
15 school district that if the employee ~~he or she~~ applies for
16 employment with another school district, the general
17 superintendent of the former school district, upon the request
18 of the school district to which the employee applies, shall
19 notify that requesting school district that the employee is or
20 was the subject of such a report.

21 (e) Whenever such person is required to report under this
22 Act in the person's ~~his~~ capacity as a member of the staff of a
23 medical or other public or private institution, school,
24 facility or agency, or as a member of the clergy, the person ~~he~~
25 shall make report immediately to the Department in accordance
26 with the provisions of this Act and may also notify the person

1 in charge of such institution, school, facility or agency, or
2 church, synagogue, temple, mosque, or other religious
3 institution, or ~~his~~ designated agent of the person in charge
4 that such report has been made. Under no circumstances shall
5 any person in charge of such institution, school, facility or
6 agency, or church, synagogue, temple, mosque, or other
7 religious institution, or ~~his~~ designated agent of the person
8 in charge to whom such notification has been made, exercise
9 any control, restraint, modification or other change in the
10 report or the forwarding of such report to the Department.

11 (f) In addition to the persons required to report
12 suspected cases of child abuse or child neglect under this
13 Section, any other person may make a report if such person has
14 reasonable cause to believe a child may be an abused child or a
15 neglected child.

16 (g) The privileged quality of communication between any
17 professional person required to report and the professional
18 person's ~~his~~ patient or client shall not apply to situations
19 involving abused or neglected children and shall not
20 constitute grounds for failure to report as required by this
21 Act or constitute grounds for failure to share information or
22 documents with the Department during the course of a child
23 abuse or neglect investigation. If requested by the
24 professional, the Department shall confirm in writing that the
25 information or documents disclosed by the professional were
26 gathered in the course of a child abuse or neglect

1 investigation.

2 The reporting requirements of this Act shall not apply to
3 the contents of a privileged communication between an attorney
4 and the attorney's ~~his or her~~ client or to confidential
5 information within the meaning of Rule 1.6 of the Illinois
6 Rules of Professional Conduct relating to the legal
7 representation of an individual client.

8 A member of the clergy may claim the privilege under
9 Section 8-803 of the Code of Civil Procedure.

10 (h) Any office, clinic, or any other physical location
11 that provides abortions, abortion referrals, or contraceptives
12 shall provide to all office personnel copies of written
13 information and training materials about abuse and neglect and
14 the requirements of this Act that are provided to employees of
15 the office, clinic, or physical location who are required to
16 make reports to the Department under this Act, and instruct
17 such office personnel to bring to the attention of an employee
18 of the office, clinic, or physical location who is required to
19 make reports to the Department under this Act any reasonable
20 suspicion that a child known to office personnel ~~him or her~~ in
21 their ~~his or her~~ professional or official capacity may be an
22 abused child or a neglected child.

23 (i) Any person who enters into employment on and after
24 July 1, 1986 and is mandated by virtue of that employment to
25 report under this Act, shall sign a statement on a form
26 prescribed by the Department, to the effect that the employee

1 has knowledge and understanding of the reporting requirements
2 of this Act. On and after January 1, 2019, the statement shall
3 also include information about available mandated reporter
4 training provided by the Department. The statement shall be
5 signed prior to commencement of the employment. The signed
6 statement shall be retained by the employer. The cost of
7 printing, distribution, and filing of the statement shall be
8 borne by the employer.

9 (j) Persons required to report child abuse or child
10 neglect as provided under this Section must complete an
11 initial mandated reporter training, including a section on
12 implicit bias, within 3 months of their date of engagement in a
13 professional or official capacity as a mandated reporter, or
14 within the time frame of any other applicable State law that
15 governs training requirements for a specific profession, and
16 at least every 3 years thereafter. The initial requirement
17 only applies to the first time they engage in their
18 professional or official capacity. In lieu of training every 3
19 years, medical personnel, as listed in paragraph (1) of
20 subsection (a), must meet the requirements described in
21 subsection (k).

22 The mandated reporter trainings shall be in-person or
23 web-based, and shall include, at a minimum, information on the
24 following topics: (i) indicators for recognizing child abuse
25 and child neglect, as defined under this Act; (ii) the process
26 for reporting suspected child abuse and child neglect in

1 Illinois as required by this Act and the required
2 documentation; (iii) responding to a child in a
3 trauma-informed manner; and (iv) understanding the response of
4 child protective services and the role of the reporter after a
5 call has been made. Child-serving organizations are encouraged
6 to provide in-person annual trainings.

7 The implicit bias section shall be in-person or web-based,
8 and shall include, at a minimum, information on the following
9 topics: (i) implicit bias and (ii) racial and ethnic
10 sensitivity. As used in this subsection, "implicit bias" means
11 the attitudes or internalized stereotypes that affect people's
12 perceptions, actions, and decisions in an unconscious manner
13 and that exist and often contribute to unequal treatment of
14 people based on race, ethnicity, gender identity, sexual
15 orientation, age, disability, and other characteristics. The
16 implicit bias section shall provide tools to adjust automatic
17 patterns of thinking and ultimately eliminate discriminatory
18 behaviors. During these trainings mandated reporters shall
19 complete the following: (1) a pretest to assess baseline
20 implicit bias levels; (2) an implicit bias training task; and
21 (3) a posttest to reevaluate bias levels after training. The
22 implicit bias curriculum for mandated reporters shall be
23 developed within one year after the effective date of this
24 amendatory Act of the 102nd General Assembly and shall be
25 created in consultation with organizations demonstrating
26 expertise and or experience in the areas of implicit bias,

1 youth and adolescent developmental issues, prevention of child
2 abuse, exploitation, and neglect, culturally diverse family
3 systems, and the child welfare system.

4 The mandated reporter training, including a section on
5 implicit bias, shall be provided through the Department,
6 through an entity authorized to provide continuing education
7 for professionals licensed through the Department of Financial
8 and Professional Regulation, the State Board of Education, the
9 Illinois Law Enforcement Training Standards Board, or the
10 Illinois ~~Department~~ of State Police, or through an
11 organization approved by the Department to provide mandated
12 reporter training, including a section on implicit bias. The
13 Department must make available a free web-based training for
14 reporters.

15 Each mandated reporter shall report to the mandated
16 reporter's ~~his or her~~ employer and, when applicable, to the
17 mandated reporter's ~~his or her~~ licensing or certification
18 board that the mandated reporter ~~he or she~~ received the
19 mandated reporter training. The mandated reporter shall
20 maintain records of completion.

21 Beginning January 1, 2021, if a mandated reporter receives
22 licensure from the Department of Financial and Professional
23 Regulation or the State Board of Education, and the mandated
24 reporter's ~~his or her~~ profession has continuing education
25 requirements, the training mandated under this Section shall
26 count toward meeting the licensee's required continuing

1 education hours.

2 (k)(1) Medical personnel, as listed in paragraph (1) of
3 subsection (a), who work with children in their professional
4 or official capacity, must complete mandated reporter training
5 at least every 6 years. Such medical personnel, if licensed,
6 must attest at each time of licensure renewal on their renewal
7 form that they understand they are a mandated reporter of
8 child abuse and neglect, that they are aware of the process for
9 making a report, that they know how to respond to a child in a
10 trauma-informed manner, and that they are aware of the role of
11 child protective services and the role of a reporter after a
12 call has been made.

13 (2) In lieu of repeated training, medical personnel, as
14 listed in paragraph (1) of subsection (a), who do not work with
15 children in their professional or official capacity, may
16 instead attest each time at licensure renewal on their renewal
17 form that they understand they are a mandated reporter of
18 child abuse and neglect, that they are aware of the process for
19 making a report, that they know how to respond to a child in a
20 trauma-informed manner, and that they are aware of the role of
21 child protective services and the role of a reporter after a
22 call has been made. Nothing in this paragraph precludes
23 medical personnel from completing mandated reporter training
24 and receiving continuing education credits for that training.

25 (1) The Department shall provide copies of this Act, upon
26 request, to all employers employing persons who shall be

1 required under the provisions of this Section to report under
2 this Act.

3 (m) Any person who knowingly transmits a false report to
4 the Department commits the offense of disorderly conduct under
5 subsection (a)(7) of Section 26-1 of the Criminal Code of
6 2012. A violation of this provision is a Class 4 felony.

7 Any person who knowingly and willfully violates any
8 provision of this Section other than a second or subsequent
9 violation of transmitting a false report as described in the
10 preceding paragraph, is guilty of a Class A misdemeanor for a
11 first violation and a Class 4 felony for a second or subsequent
12 violation; except that if the person acted as part of a plan or
13 scheme having as its object the prevention of discovery of an
14 abused or neglected child by lawful authorities for the
15 purpose of protecting or insulating any person or entity from
16 arrest or prosecution, the person is guilty of a Class 4 felony
17 for a first offense and a Class 3 felony for a second or
18 subsequent offense (regardless of whether the second or
19 subsequent offense involves any of the same facts or persons
20 as the first or other prior offense).

21 (n) A child whose parent, guardian or custodian in good
22 faith selects and depends upon spiritual means through prayer
23 alone for the treatment or cure of disease or remedial care may
24 be considered neglected or abused, but not for the sole reason
25 that the child's ~~his~~ parent, guardian or custodian accepts and
26 practices such beliefs.

1 (o) A child shall not be considered neglected or abused
2 solely because the child is not attending school in accordance
3 with the requirements of Article 26 of the School Code, as
4 amended.

5 (p) Nothing in this Act prohibits a mandated reporter who
6 reasonably believes that an animal is being abused or
7 neglected in violation of the Humane Care for Animals Act from
8 reporting animal abuse or neglect to the Department of
9 Agriculture's Bureau of Animal Health and Welfare.

10 (q) A home rule unit may not regulate the reporting of
11 child abuse or neglect in a manner inconsistent with the
12 provisions of this Section. This Section is a limitation under
13 subsection (i) of Section 6 of Article VII of the Illinois
14 Constitution on the concurrent exercise by home rule units of
15 powers and functions exercised by the State.

16 (r) For purposes of this Section "child abuse or neglect"
17 includes abuse or neglect of an adult resident as defined in
18 this Act.

19 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22.)

20 (325 ILCS 5/4.1) (from Ch. 23, par. 2054.1)

21 Sec. 4.1. Any person required to report under this Act who
22 has reasonable cause to suspect that a child has died as a
23 result of abuse or neglect shall also immediately report the
24 person's ~~his~~ suspicion to the appropriate medical examiner or
25 coroner. Any other person who has reasonable cause to believe

1 that a child has died as a result of abuse or neglect may
2 report the person's ~~his~~ suspicion to the appropriate medical
3 examiner or coroner. The medical examiner or coroner shall
4 investigate the report and communicate the medical examiner's
5 or coroner's ~~his~~ apparent gross findings, orally, immediately
6 upon completion of the gross autopsy, but in all cases within
7 72 hours and within 21 days in writing, to the local law
8 enforcement agency, the appropriate State's attorney, the
9 Department and, if the institution making the report is a
10 hospital, the hospital. The child protective investigator
11 assigned to the death investigation shall have the right to
12 require a copy of the completed autopsy report from the
13 coroner or medical examiner.

14 (Source: P.A. 85-193.)

15 (325 ILCS 5/4.2)

16 Sec. 4.2. Departmental report on death or serious
17 life-threatening injury of child.

18 (a) In the case of the death or serious life-threatening
19 injury of a child whose care and custody or custody and
20 guardianship has been transferred to the Department, or in the
21 case of a child abuse or neglect report made to the central
22 register involving the death of a child, the Department shall
23 (i) investigate or provide for an investigation of the cause
24 of and circumstances surrounding the death or serious
25 life-threatening injury, (ii) review the investigation, and

1 (iii) prepare and issue a report on the death or serious
2 life-threatening injury.

3 (b) The report shall include (i) the cause of death or
4 serious life-threatening injury, whether from natural or other
5 causes, (ii) any extraordinary or pertinent information
6 concerning the circumstances of the child's death or serious
7 life-threatening injury, (iii) identification of child
8 protective or other social services provided or actions taken
9 regarding the child or the child's ~~his or her~~ family at the
10 time of the death or serious life-threatening injury or within
11 the preceding 5 years, (iv) any action or further
12 investigation undertaken by the Department since the death or
13 serious life-threatening injury of the child, (v) as
14 appropriate, recommendations for State administrative or
15 policy changes, (vi) whether the alleged perpetrator of the
16 abuse or neglect has been charged with committing a crime
17 related to the report and allegation of abuse or neglect, and
18 (vii) a copy of any documents, files, records, books, and
19 papers created or used in connection with the Department's
20 investigation of the death or serious life-threatening injury
21 of the child. In any case involving the death or near death of
22 a child, when a person responsible for the child has been
23 charged with committing a crime that results in the child's
24 death or near death, there shall be a presumption that the best
25 interest of the public will be served by public disclosure of
26 certain information concerning the circumstances of the

1 investigations of the death or near death of the child and any
2 other investigations concerning that child or other children
3 living in the same household.

4 If the Department receives from the public a request for
5 information relating to a case of child abuse or neglect
6 involving the death or serious life-threatening injury of a
7 child, the Director shall consult with the State's Attorney in
8 the county of venue and release the report related to the case,
9 except for the following, which may be redacted from the
10 information disclosed to the public: any mental health or
11 psychological information that is confidential as otherwise
12 provided in State law; privileged communications of an
13 attorney; the identity of the individual or individuals, if
14 known, who made the report; information that may cause mental
15 or physical harm to a sibling or another child living in the
16 household; information that may undermine an ongoing criminal
17 investigation; and any information prohibited from disclosure
18 by federal law or regulation. Any information provided by an
19 adult subject of a report that is released about the case in a
20 public forum shall be subject to disclosure upon a public
21 information request. Information about the case shall also be
22 subject to disclosure upon consent of an adult subject.
23 Information about the case shall also be subject to disclosure
24 if it has been publicly disclosed in a report by a law
25 enforcement agency or official, a State's Attorney, a judge,
26 or any other State or local investigative agency or official.

1 Except as it may apply directly to the cause of the death or
2 serious life-threatening injury of the child, nothing in this
3 Section shall be deemed to authorize the release or disclosure
4 to the public of the substance or content of any
5 psychological, psychiatric, therapeutic, clinical, or medical
6 reports, evaluation, or like materials or information
7 pertaining to the child or the child's family.

8 (c) No later than 6 months after the date of the death or
9 serious life-threatening injury of the child, the Department
10 shall notify the President of the Senate, the Minority Leader
11 of the Senate, the Speaker of the House of Representatives,
12 the Minority Leader of the House of Representatives, and the
13 members of the Senate and the House of Representatives in
14 whose district the child's death or serious life-threatening
15 injury occurred upon the completion of each report and shall
16 submit an annual cumulative report to the Governor and the
17 General Assembly incorporating cumulative data about the above
18 reports and including appropriate findings and
19 recommendations. The reports required by this subsection (c)
20 shall be made available to the public after completion or
21 submittal.

22 (d) To enable the Department to prepare the report, the
23 Department may request and shall timely receive from
24 departments, boards, bureaus, or other agencies of the State,
25 or any of its political subdivisions, or any duly authorized
26 agency, or any other agency which provided assistance, care,

1 or services to the deceased or injured child any information
2 they are authorized to provide.

3 (Source: P.A. 97-1068, eff. 1-1-13.)

4 (325 ILCS 5/4.4)

5 Sec. 4.4. DCFS duty to report to State's Attorney.
6 Whenever the Department receives, by means of its statewide
7 toll-free telephone number established under Section 7.6 for
8 the purpose of reporting suspected child abuse or neglect or
9 by any other means or from any mandated reporter under Section
10 4, a report of a newborn infant whose blood, urine, or meconium
11 contains any amount of a controlled substance as defined in
12 subsection (f) of Section 102 of the Illinois Controlled
13 Substances Act or a metabolite thereof, with the exception of
14 a controlled substance or metabolite thereof whose presence in
15 the newborn infant is the result of medical treatment
16 administered to the person who gave birth ~~mother~~ or the
17 newborn infant, the Department must immediately report that
18 information to the State's Attorney of the county in which the
19 infant was born.

20 (Source: P.A. 95-361, eff. 8-23-07.)

21 (325 ILCS 5/4.5)

22 Sec. 4.5. Electronic and information technology workers;
23 reporting child pornography.

24 (a) In this Section:

1 "Child pornography" means child pornography as described
2 in Section 11-20.1 of the Criminal Code of 2012.

3 "Electronic and information technology equipment" means
4 equipment used in the creation, manipulation, storage,
5 display, or transmission of data, including internet and
6 intranet systems, software applications, operating systems,
7 video and multimedia, telecommunications products, kiosks,
8 information transaction machines, copiers, printers, and
9 desktop and portable computers.

10 "Electronic and information technology equipment worker"
11 means a person who in the scope and course of the person's ~~his~~
12 ~~or her~~ employment or business installs, repairs, or otherwise
13 services electronic and information technology equipment for a
14 fee but does not include (i) an employee, independent
15 contractor, or other agent of a telecommunications carrier or
16 telephone or telecommunications cooperative, as those terms
17 are defined in the Public Utilities Act, or (ii) an employee,
18 independent contractor, or other agent of a provider of
19 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

20 (b) If an electronic and information technology equipment
21 worker discovers any depiction of child pornography while
22 installing, repairing, or otherwise servicing an item of
23 electronic and information technology equipment, that worker
24 or the worker's employer shall immediately report the
25 discovery to the local law enforcement agency or to the Cyber
26 Tipline at the National Center for Missing and ~~&~~ Exploited

1 Children.

2 (c) If a report is filed in accordance with the
3 requirements of 42 U.S.C. 13032, the requirements of this
4 Section 4.5 will be deemed to have been met.

5 (d) An electronic and information technology equipment
6 worker or electronic and information technology equipment
7 worker's employer who reports a discovery of child pornography
8 as required under this Section is immune from any criminal,
9 civil, or administrative liability in connection with making
10 the report, except for willful or wanton misconduct.

11 (e) Failure to report a discovery of child pornography as
12 required under this Section is a business offense subject to a
13 fine of \$1,001.

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

15 (325 ILCS 5/5) (from Ch. 23, par. 2055)

16 Sec. 5. An officer of a local law enforcement agency,
17 designated employee of the Department, or a physician treating
18 a child may take or retain temporary protective custody of the
19 child without the consent of the person responsible for the
20 child's welfare, if (1) the officer of a local law enforcement
21 agency, designated employee of the Department, or a physician
22 treating a child ~~he~~ has reason to believe that the child cannot
23 be cared for at home or in the custody of the person
24 responsible for the child's welfare without endangering the
25 child's health or safety; and (2) there is not time to apply

1 for a court order under the Juvenile Court Act of 1987 for
2 temporary custody of the child. The person taking or retaining
3 a child in temporary protective custody shall immediately make
4 every reasonable effort to notify the person responsible for
5 the child's welfare and shall immediately notify the
6 Department. The Department shall provide to the temporary
7 caretaker of a child any information in the Department's
8 possession concerning the positive results of a test performed
9 on the child to determine the presence of the antibody or
10 antigen to Human Immunodeficiency Virus (HIV), or of HIV
11 infection, as well as any communicable diseases or
12 communicable infections that the child has. The temporary
13 caretaker of a child shall not disclose to another person any
14 information received by the temporary caretaker from the
15 Department concerning the results of a test performed on the
16 child to determine the presence of the antibody or antigen to
17 HIV, or of HIV infection, except pursuant to Section 9 of the
18 AIDS Confidentiality Act, as now or hereafter amended. The
19 Department shall promptly initiate proceedings under the
20 Juvenile Court Act of 1987 for the continued temporary custody
21 of the child.

22 Where the physician keeping a child in the physician's ~~his~~
23 custody does so in the physician's ~~his~~ capacity as a member of
24 the staff of a hospital or similar institution, the physician
25 ~~he~~ shall notify the person in charge of the institution or the
26 ~~his~~ designated agent of the person in charge, who shall then

1 become responsible for the further care of such child in the
2 hospital or similar institution under the direction of the
3 Department.

4 Said care includes, but is not limited to the granting of
5 permission to perform emergency medical treatment to a minor
6 where the treatment itself does not involve a substantial risk
7 of harm to the minor and the failure to render such treatment
8 will likely result in death or permanent harm to the minor, and
9 there is not time to apply for a court order under the Juvenile
10 Court Act of 1987.

11 Any person authorized and acting in good faith in the
12 removal of a child under this Section shall have immunity from
13 any liability, civil or criminal, that might otherwise be
14 incurred or imposed as a result of such removal. Any physician
15 authorized and acting in good faith and in accordance with
16 acceptable medical practice in the treatment of a child under
17 this Section shall have immunity from any liability, civil or
18 criminal, that might otherwise be incurred or imposed as a
19 result of granting permission for emergency treatment.

20 With respect to any child taken into temporary protective
21 custody pursuant to this Section, the Department of Children
22 and Family Services Guardianship Administrator or the
23 Guardianship Administrator's ~~his~~ designee shall be deemed the
24 child's legally authorized representative for purposes of
25 consenting to an HIV test if deemed necessary and appropriate
26 by the Department's Guardianship Administrator or the

1 Guardianship Administrator's designee and obtaining and
2 disclosing information concerning such test pursuant to the
3 AIDS Confidentiality Act if deemed necessary and appropriate
4 by the Department's Guardianship Administrator or the
5 Guardianship Administrator's designee and for purposes of
6 consenting to the release of information pursuant to the
7 Illinois Sexually Transmissible Disease Control Act if deemed
8 necessary and appropriate by the Department's Guardianship
9 Administrator or designee.

10 Any person who administers an HIV test upon the consent of
11 the Department of Children and Family Services Guardianship
12 Administrator or the Guardianship Administrator's ~~his~~
13 designee, or who discloses the results of such tests to the
14 Department's Guardianship Administrator or the Guardianship
15 Administrator's ~~his~~ designee, shall have immunity from any
16 liability, civil, criminal or otherwise, that might result by
17 reason of such actions. For the purpose of any proceedings,
18 civil or criminal, the good faith of any persons required to
19 administer or disclose the results of tests, or permitted to
20 take such actions, shall be presumed.

21 (Source: P.A. 90-28, eff. 1-1-98.)

22 (325 ILCS 5/7) (from Ch. 23, par. 2057)

23 Sec. 7. Time and manner of making reports. All reports of
24 suspected child abuse or neglect made under this Act shall be
25 made immediately by telephone to the central register

1 established under Section 7.7 on the single, State-wide,
2 toll-free telephone number established in Section 7.6, or in
3 person or by telephone through the nearest Department office.
4 The Department shall, in cooperation with school officials,
5 distribute appropriate materials in school buildings listing
6 the toll-free telephone number established in Section 7.6,
7 including methods of making a report under this Act. The
8 Department may, in cooperation with appropriate members of the
9 clergy, distribute appropriate materials in churches,
10 synagogues, temples, mosques, or other religious buildings
11 listing the toll-free telephone number established in Section
12 7.6, including methods of making a report under this Act.

13 Wherever the Statewide number is posted, there shall also
14 be posted the following notice:

15 "Any person who knowingly transmits a false report to the
16 Department commits the offense of disorderly conduct under
17 subsection (a)(7) of Section 26-1 of the Criminal Code of
18 2012. A violation of this subsection is a Class 4 felony."

19 The report required by this Act shall include, if known,
20 the name and address of the child and the child's ~~his~~ parents
21 or other persons having the child's ~~his~~ custody; the child's
22 age; the nature of the child's condition, including any
23 evidence of previous injuries or disabilities; and any other
24 information that the person filing the report believes might
25 be helpful in establishing the cause of such abuse or neglect
26 and the identity of the person believed to have caused such

1 abuse or neglect. Reports made to the central register through
2 the State-wide, toll-free telephone number shall be
3 immediately transmitted by the Department to the appropriate
4 Child Protective Service Unit. All such reports alleging the
5 death of a child, serious injury to a child, including, but not
6 limited to, brain damage, skull fractures, subdural hematomas,
7 and internal injuries, torture of a child, malnutrition of a
8 child, and sexual abuse to a child, including, but not limited
9 to, sexual intercourse, sexual exploitation, sexual
10 molestation, and sexually transmitted disease in a child age
11 12 and under, shall also be immediately transmitted by the
12 Department to the appropriate local law enforcement agency.
13 The Department shall within 24 hours orally notify local law
14 enforcement personnel and the office of the State's Attorney
15 of the involved county of the receipt of any report alleging
16 the death of a child, serious injury to a child, including, but
17 not limited to, brain damage, skull fractures, subdural
18 hematomas, and internal injuries, torture of a child,
19 malnutrition of a child, and sexual abuse to a child,
20 including, but not limited to, sexual intercourse, sexual
21 exploitation, sexual molestation, and sexually transmitted
22 disease in a child age 12 and under. All oral reports made by
23 the Department to local law enforcement personnel and the
24 office of the State's Attorney of the involved county shall be
25 confirmed in writing within 24 hours of the oral report. All
26 reports by persons mandated to report under this Act shall be

1 confirmed in writing to the appropriate Child Protective
2 Service Unit, which may be on forms supplied by the
3 Department, within 48 hours of any initial report.

4 Any report received by the Department alleging the abuse
5 or neglect of a child by a person who is not the child's
6 parent, a member of the child's immediate family, a person
7 responsible for the child's welfare, an individual residing in
8 the same home as the child, or a paramour of the child's parent
9 shall immediately be referred to the appropriate local law
10 enforcement agency for consideration of criminal investigation
11 or other action.

12 Written confirmation reports from persons not required to
13 report by this Act may be made to the appropriate Child
14 Protective Service Unit. Written reports from persons required
15 by this Act to report shall be admissible in evidence in any
16 judicial proceeding or administrative hearing relating to
17 child abuse or neglect. Reports involving known or suspected
18 child abuse or neglect in public or private residential
19 agencies or institutions shall be made and received in the
20 same manner as all other reports made under this Act.

21 For purposes of this Section, "child" includes an adult
22 resident as defined in this Act.

23 (Source: P.A. 101-583, eff. 1-1-20; 102-558, eff. 8-20-21.)

24 (325 ILCS 5/7.3b) (from Ch. 23, par. 2057.3b)

25 Sec. 7.3b. All persons required to report under Section 4

1 may refer to the Department of Human Services any pregnant
2 person in this State who has a substance use disorder as
3 defined in the Substance Use Disorder Act. The Department of
4 Human Services shall notify the local Infant Mortality
5 Reduction Network service provider or Department funded
6 prenatal care provider in the area in which the person
7 resides. The service provider shall prepare a case management
8 plan and assist the pregnant person ~~woman~~ in obtaining
9 counseling and treatment from a local substance use disorder
10 treatment program licensed by the Department of Human Services
11 or a licensed hospital which provides substance abuse
12 treatment services. The local Infant Mortality Reduction
13 Network service provider and Department funded prenatal care
14 provider shall monitor the pregnant person ~~woman~~ through the
15 service program. The Department of Human Services shall have
16 the authority to promulgate rules and regulations to implement
17 this Section.

18 (Source: P.A. 100-759, eff. 1-1-19.)

19 (325 ILCS 5/7.3c)

20 Sec. 7.3c. Substance abuse services for parents ~~women~~ with
21 children.

22 The Department of Human Services and the Department of
23 Children and Family Services shall develop a community based
24 system of integrated child welfare and substance abuse
25 services for the purpose of providing safety and protection

1 for children, improving adult health and parenting outcomes,
2 and improving family outcomes.

3 The Department of Children and Family Services, in
4 cooperation with the Department of Human Services, shall
5 develop case management protocols for DCFS clients with
6 substance abuse problems. The Departments may establish pilot
7 programs designed to test the most effective approaches to
8 case management ~~case management~~. The Departments shall
9 evaluate the effectiveness of these pilot programs and report
10 to the Governor and the General Assembly on an annual basis.

11 (Source: P.A. 89-268, eff. 1-1-96; 89-507, eff. 7-1-97.)

12 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

13 Sec. 7.4. (a) The Department shall be capable of receiving
14 reports of suspected child abuse or neglect 24 hours a day, 7
15 days a week. Whenever the Department receives a report
16 alleging that a child is a truant as defined in Section 26-2a
17 of the School Code, as now or hereafter amended, the
18 Department shall notify the superintendent of the school
19 district in which the child resides and the appropriate
20 superintendent of the educational service region. The
21 notification to the appropriate officials by the Department
22 shall not be considered an allegation of abuse or neglect
23 under this Act.

24 (a-5) The Department of Children and Family Services may
25 implement a "differential response program" in accordance with

1 criteria, standards, and procedures prescribed by rule. The
2 program may provide that, upon receiving a report, the
3 Department shall determine whether to conduct a family
4 assessment or an investigation as appropriate to prevent or
5 provide a remedy for child abuse or neglect.

6 For purposes of this subsection (a-5), "family assessment"
7 means a comprehensive assessment of child safety, risk of
8 subsequent child maltreatment, and family strengths and needs
9 that is applied to a child maltreatment report that does not
10 allege substantial child endangerment. "Family assessment"
11 does not include a determination as to whether child
12 maltreatment occurred but does determine the need for services
13 to address the safety of family members and the risk of
14 subsequent maltreatment.

15 For purposes of this subsection (a-5), "investigation"
16 means fact-gathering related to the current safety of a child
17 and the risk of subsequent abuse or neglect that determines
18 whether a report of suspected child abuse or neglect should be
19 indicated or unfounded and whether child protective services
20 are needed.

21 Under the "differential response program" implemented
22 under this subsection (a-5), the Department:

23 (1) Shall conduct an investigation on reports
24 involving substantial child abuse or neglect.

25 (2) Shall begin an immediate investigation if, at any
26 time when it is using a family assessment response, it

1 determines that there is reason to believe that
2 substantial child abuse or neglect or a serious threat to
3 the child's safety exists.

4 (3) May conduct a family assessment for reports that
5 do not allege substantial child endangerment. In
6 determining that a family assessment is appropriate, the
7 Department may consider issues, including, but not limited
8 to, child safety, parental cooperation, and the need for
9 an immediate response.

10 (4) Shall promulgate criteria, standards, and
11 procedures that shall be applied in making this
12 determination, taking into consideration the Child
13 Endangerment Risk Assessment Protocol of the Department.

14 (5) May conduct a family assessment on a report that
15 was initially screened and assigned for an investigation.

16 In determining that a complete investigation is not
17 required, the Department must document the reason for
18 terminating the investigation and notify the local law
19 enforcement agency or the Illinois State Police if the local
20 law enforcement agency or Illinois State Police is conducting
21 a joint investigation.

22 Once it is determined that a "family assessment" will be
23 implemented, the case shall not be reported to the central
24 register of abuse and neglect reports.

25 During a family assessment, the Department shall collect
26 any available and relevant information to determine child

1 safety, risk of subsequent abuse or neglect, and family
2 strengths.

3 Information collected includes, but is not limited to,
4 when relevant: information with regard to the person reporting
5 the alleged abuse or neglect, including the nature of the
6 reporter's relationship to the child and to the alleged
7 offender, and the basis of the reporter's knowledge for the
8 report; the child allegedly being abused or neglected; the
9 alleged offender; the child's caretaker; and other collateral
10 sources having relevant information related to the alleged
11 abuse or neglect. Information relevant to the assessment must
12 be asked for, and may include:

13 (A) The child's sex and age, prior reports of abuse or
14 neglect, information relating to developmental
15 functioning, credibility of the child's statement, and
16 whether the information provided under this paragraph (A)
17 is consistent with other information collected during the
18 course of the assessment or investigation.

19 (B) The alleged offender's age, a record check for
20 prior reports of abuse or neglect, and criminal charges
21 and convictions. The alleged offender may submit
22 supporting documentation relevant to the assessment.

23 (C) Collateral source information regarding the
24 alleged abuse or neglect and care of the child. Collateral
25 information includes, when relevant: (i) a medical
26 examination of the child; (ii) prior medical records

1 relating to the alleged maltreatment or care of the child
2 maintained by any facility, clinic, or health care
3 professional, and an interview with the treating
4 professionals; and (iii) interviews with the child's
5 caretakers, including the child's parent, guardian, foster
6 parent, child care provider, teachers, counselors, family
7 members, relatives, and other persons who may have
8 knowledge regarding the alleged maltreatment and the care
9 of the child.

10 (D) Information on the existence of domestic abuse and
11 violence in the home of the child, and substance abuse.

12 Nothing in this subsection (a-5) precludes the Department
13 from collecting other relevant information necessary to
14 conduct the assessment or investigation. Nothing in this
15 subsection (a-5) shall be construed to allow the name or
16 identity of a reporter to be disclosed in violation of the
17 protections afforded under Section 7.19 of this Act.

18 After conducting the family assessment, the Department
19 shall determine whether services are needed to address the
20 safety of the child and other family members and the risk of
21 subsequent abuse or neglect.

22 Upon completion of the family assessment, if the
23 Department concludes that no services shall be offered, then
24 the case shall be closed. If the Department concludes that
25 services shall be offered, the Department shall develop a
26 family preservation plan and offer or refer services to the

1 family.

2 At any time during a family assessment, if the Department
3 believes there is any reason to stop the assessment and
4 conduct an investigation based on the information discovered,
5 the Department shall do so.

6 The procedures available to the Department in conducting
7 investigations under this Act shall be followed as appropriate
8 during a family assessment.

9 If the Department implements a differential response
10 program authorized under this subsection (a-5), the Department
11 shall arrange for an independent evaluation of the program for
12 at least the first 3 years of implementation to determine
13 whether it is meeting the goals in accordance with Section 2 of
14 this Act.

15 The Department may adopt administrative rules necessary
16 for the execution of this Section, in accordance with Section
17 4 of the Children and Family Services Act.

18 The Department shall submit a report to the General
19 Assembly by January 15, 2018 on the implementation progress
20 and recommendations for additional needed legislative changes.

21 (b)(1) The following procedures shall be followed in the
22 investigation of all reports of suspected abuse or neglect of
23 a child, except as provided in subsection (c) of this Section.

24 (2) If, during a family assessment authorized by
25 subsection (a-5) or an investigation, it appears that the
26 immediate safety or well-being of a child is endangered, that

1 the family may flee or the child disappear, or that the facts
2 otherwise so warrant, the Child Protective Service Unit shall
3 commence an investigation immediately, regardless of the time
4 of day or night. All other investigations shall be commenced
5 within 24 hours of receipt of the report. Upon receipt of a
6 report, the Child Protective Service Unit shall conduct a
7 family assessment authorized by subsection (a-5) or begin an
8 initial investigation and make an initial determination
9 whether the report is a good faith indication of alleged child
10 abuse or neglect.

11 (3) Based on an initial investigation, if the Unit
12 determines the report is a good faith indication of alleged
13 child abuse or neglect, then a formal investigation shall
14 commence and, pursuant to Section 7.12 of this Act, may or may
15 not result in an indicated report. The formal investigation
16 shall include: direct contact with the subject or subjects of
17 the report as soon as possible after the report is received; an
18 evaluation of the environment of the child named in the report
19 and any other children in the same environment; a
20 determination of the risk to such children if they continue to
21 remain in the existing environments, as well as a
22 determination of the nature, extent and cause of any condition
23 enumerated in such report; the name, age and condition of
24 other children in the environment; and an evaluation as to
25 whether there would be an immediate and urgent necessity to
26 remove the child from the environment if appropriate family

1 preservation services were provided. After seeing to the
2 safety of the child or children, the Department shall
3 forthwith notify the subjects of the report in writing, of the
4 existence of the report and their rights existing under this
5 Act in regard to amendment or expungement. To fulfill the
6 requirements of this Section, the Child Protective Service
7 Unit shall have the capability of providing or arranging for
8 comprehensive emergency services to children and families at
9 all times of the day or night.

10 (4) If (i) at the conclusion of the Unit's initial
11 investigation of a report, the Unit determines the report to
12 be a good faith indication of alleged child abuse or neglect
13 that warrants a formal investigation by the Unit, the
14 Department, any law enforcement agency or any other
15 responsible agency and (ii) the person who is alleged to have
16 caused the abuse or neglect is employed or otherwise engaged
17 in an activity resulting in frequent contact with children and
18 the alleged abuse or neglect are in the course of such
19 employment or activity, then the Department shall, except in
20 investigations where the Director determines that such
21 notification would be detrimental to the Department's
22 investigation, inform the appropriate supervisor or
23 administrator of that employment or activity that the Unit has
24 commenced a formal investigation pursuant to this Act, which
25 may or may not result in an indicated report. The Department
26 shall also notify the person being investigated, unless the

1 Director determines that such notification would be
2 detrimental to the Department's investigation.

3 (c) In an investigation of a report of suspected abuse or
4 neglect of a child by a school employee at a school or on
5 school grounds, the Department shall make reasonable efforts
6 to follow the following procedures:

7 (1) Investigations involving teachers shall not, to
8 the extent possible, be conducted when the teacher is
9 scheduled to conduct classes. Investigations involving
10 other school employees shall be conducted so as to
11 minimize disruption of the school day. The school employee
12 accused of child abuse or neglect may have the school
13 employee's ~~his~~ superior, the school employee's ~~his~~
14 association or union representative and the school
15 employee's ~~his~~ attorney present at any interview or
16 meeting at which the teacher or administrator is present.
17 The accused school employee shall be informed by a
18 representative of the Department, at any interview or
19 meeting, of the accused school employee's due process
20 rights and of the steps in the investigation process.
21 These due process rights shall also include the right of
22 the school employee to present countervailing evidence
23 regarding the accusations. In an investigation in which
24 the alleged perpetrator of abuse or neglect is a school
25 employee, including, but not limited to, a school teacher
26 or administrator, and the recommendation is to determine

1 the report to be indicated, in addition to other
2 procedures as set forth and defined in Department rules
3 and procedures, the employee's due process rights shall
4 also include: (i) the right to a copy of the investigation
5 summary; (ii) the right to review the specific allegations
6 which gave rise to the investigation; and (iii) the right
7 to an administrator's teleconference which shall be
8 convened to provide the school employee with the
9 opportunity to present documentary evidence or other
10 information that supports the school employee's ~~his or her~~
11 position and to provide information before a final finding
12 is entered.

13 (2) If a report of neglect or abuse of a child by a
14 teacher or administrator does not involve allegations of
15 sexual abuse or extreme physical abuse, the Child
16 Protective Service Unit shall make reasonable efforts to
17 conduct the initial investigation in coordination with the
18 employee's supervisor.

19 If the Unit determines that the report is a good faith
20 indication of potential child abuse or neglect, it shall
21 then commence a formal investigation under paragraph (3)
22 of subsection (b) of this Section.

23 (3) If a report of neglect or abuse of a child by a
24 teacher or administrator involves an allegation of sexual
25 abuse or extreme physical abuse, the Child Protective Unit
26 shall commence an investigation under paragraph (2) of

1 subsection (b) of this Section.

2 (c-5) In any instance in which a report is made or caused
3 to made by a school district employee involving the conduct of
4 a person employed by the school district, at the time the
5 report was made, as required under Section 4 of this Act, the
6 Child Protective Service Unit shall send a copy of its final
7 finding report to the general superintendent of that school
8 district.

9 (c-10) The Department may recommend that a school district
10 remove a school employee who is the subject of an
11 investigation from the school employee's ~~his or her~~ employment
12 position pending the outcome of the investigation; however,
13 all employment decisions regarding school personnel shall be
14 the sole responsibility of the school district or employer.
15 The Department may not require a school district to remove a
16 school employee from the school employee's ~~his or her~~
17 employment position or limit the school employee's duties
18 pending the outcome of an investigation.

19 (d) If the Department has contact with an employer, or
20 with a religious institution or religious official having
21 supervisory or hierarchical authority over a member of the
22 clergy accused of the abuse of a child, in the course of its
23 investigation, the Department shall notify the employer or the
24 religious institution or religious official, in writing, when
25 a report is unfounded so that any record of the investigation
26 can be expunged from the employee's or member of the clergy's

1 personnel or other records. The Department shall also notify
2 the employee or the member of the clergy, in writing, that
3 notification has been sent to the employer or to the
4 appropriate religious institution or religious official
5 informing the employer or religious institution or religious
6 official that the Department's investigation has resulted in
7 an unfounded report.

8 (d-1) Whenever a report alleges that a child was abused or
9 neglected while receiving care in a hospital, including a
10 freestanding psychiatric hospital licensed by the Department
11 of Public Health, the Department shall send a copy of its final
12 finding to the Director of Public Health and the Director of
13 Healthcare and Family Services.

14 (e) Upon request by the Department, the Illinois State
15 Police and law enforcement agencies are authorized to provide
16 criminal history record information as defined in the Illinois
17 Uniform Conviction Information Act and information maintained
18 in the adjudicatory and dispositional record system as defined
19 in Section 2605-355 of the Illinois State Police Law to
20 properly designated employees of the Department of Children
21 and Family Services if the Department determines the
22 information is necessary to perform its duties under the
23 Abused and Neglected Child Reporting Act, the Child Care Act
24 of 1969, and the Children and Family Services Act. The request
25 shall be in the form and manner required by the Illinois State
26 Police. Any information obtained by the Department of Children

1 and Family Services under this Section is confidential and may
2 not be transmitted outside the Department of Children and
3 Family Services other than to a court of competent
4 jurisdiction or unless otherwise authorized by law. Any
5 employee of the Department of Children and Family Services who
6 transmits confidential information in violation of this
7 Section or causes the information to be transmitted in
8 violation of this Section is guilty of a Class A misdemeanor
9 unless the transmittal of the information is authorized by
10 this Section or otherwise authorized by law.

11 (f) For purposes of this Section, "child abuse or neglect"
12 includes abuse or neglect of an adult resident as defined in
13 this Act.

14 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

15 (325 ILCS 5/7.9) (from Ch. 23, par. 2057.9)

16 Sec. 7.9. The Department shall prepare, print, and
17 distribute initial, preliminary, and final reporting forms to
18 each Child Protective Service Unit. Initial written reports
19 from the reporting source shall contain the following
20 information to the extent known at the time the report is made:

21 (1) the names and addresses of the child and the child's ~~his~~
22 parents or other persons responsible for the child's ~~his~~
23 welfare; (1.5) the name and address of the school that the
24 child attends (or the school that the child last attended, if
25 the report is written during the summer when school is not in

1 session), and the name of the school district in which the
2 school is located, if applicable; (2) the child's age, sex,
3 and race; (3) the nature and extent of the child's abuse or
4 neglect, including any evidence of prior injuries, abuse, or
5 neglect of the child or the child's ~~his~~ siblings; (4) the names
6 of the persons apparently responsible for the abuse or
7 neglect; (5) family composition, including names, ages, sexes,
8 and races of other children in the home; (6) the name of the
9 person making the report, the reporter's ~~his~~ occupation, and
10 where the reporter ~~he~~ can be reached; (7) the actions taken by
11 the reporting source, including the taking of photographs and
12 x-rays, placing the child in temporary protective custody, or
13 notifying the medical examiner or coroner; and (8) any other
14 information the person making the report believes might be
15 helpful in the furtherance of the purposes of this Act.

16 (Source: P.A. 92-295, eff. 1-1-02; 92-651, eff. 7-11-02.)

17 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

18 Sec. 7.14. All reports in the central register shall be
19 classified in one of three categories: "indicated",
20 "unfounded" or "undetermined", as the case may be. Prior to
21 classifying the report, the Department shall determine whether
22 the report is subject to Department review under Section
23 7.22a. If the report is subject to Department review, the
24 report shall not be classified as unfounded until the review
25 is completed. Prior to classifying the report, the person

1 making the classification shall determine whether the child
2 named in the report is the subject of an action under Article V
3 of the Juvenile Court Act of 1987 who is in the custody or
4 guardianship of the Department or who has an open intact
5 family services case with the Department or is the subject of
6 an action under Article II of the Juvenile Court Act of 1987.
7 If the child either is the subject of an action under Article V
8 of the Juvenile Court Act of 1987 and is in the custody or
9 guardianship of the Department or has an open intact family
10 services case with the Department or is the subject of an
11 action under Article II of the Juvenile Court Act of 1987 and
12 the Department intends to classify the report as indicated,
13 the Department shall, within 45 days of classification of the
14 report, transmit a copy of the report to the attorney or
15 guardian ad litem appointed for the child under Section 2-17
16 of the Juvenile Court Act of 1987 or to a guardian ad litem
17 appointed under Section 5-610 of the Juvenile Court Act of
18 1987. If the child either is the subject of an action under
19 Article V of the Juvenile Court Act of 1987 and is in the
20 custody or guardianship of the Department or has an open
21 intact family services case with the Department or is the
22 subject of an action under Article II of the Juvenile Court Act
23 of 1987 and the Department intends to classify the report as
24 unfounded, the Department shall, within 45 days of deciding
25 its intent to classify the report as unfounded, transmit a
26 copy of the report and written notice of the Department's

1 intent to the attorney or guardian ad litem appointed for the
2 child under Section 2-17 of the Juvenile Court Act of 1987, or
3 to a guardian ad litem appointed under Section 5-610 of the
4 Juvenile Court Act of 1987. The Department's obligation under
5 this Section to provide reports to a guardian ad litem
6 appointed under Section 5-610 of the Juvenile Court Act of
7 1987 for a minor with an open intact family services case
8 applies only if the guardian ad litem notified the Department
9 in writing of the representation. All information identifying
10 the subjects of an unfounded report shall be expunged from the
11 register forthwith, except as provided in Section 7.7.
12 Unfounded reports may only be made available to the Child
13 Protective Service Unit when investigating a subsequent report
14 of suspected abuse or maltreatment involving a child named in
15 the unfounded report; and to the subject of the report,
16 provided the Department has not expunged the file in
17 accordance with Section 7.7. The Child Protective Service Unit
18 shall not indicate the subsequent report solely based upon the
19 existence of the prior unfounded report or reports.
20 Notwithstanding any other provision of law to the contrary, an
21 unfounded report shall not be admissible in any judicial or
22 administrative proceeding or action except for proceedings
23 under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987
24 involving a petition filed under Section 2-13 of the Juvenile
25 Court Act of 1987 alleging abuse or neglect to the same child,
26 a sibling of the child, the same perpetrator, or a member of

1 the child's household. Identifying information on all other
2 records shall be removed from the register no later than 5
3 years after the report is indicated. However, if another
4 report is received involving the same child, the child's ~~his~~
5 sibling or offspring, or a child in the care of the persons
6 responsible for the child's welfare, or involving the same
7 alleged offender, the identifying information may be
8 maintained in the register until 5 years after the subsequent
9 case or report is closed.

10 Notwithstanding any other provision of this Section,
11 identifying information in indicated reports involving serious
12 physical injury to a child as defined by the Department in
13 rules, may be retained longer than 5 years after the report is
14 indicated or after the subsequent case or report is closed,
15 and may not be removed from the register except as provided by
16 the Department in rules. Identifying information in indicated
17 reports involving sexual penetration of a child, sexual
18 molestation of a child, sexual exploitation of a child,
19 torture of a child, or the death of a child, as defined by the
20 Department in rules, shall be retained for a period of not less
21 than 50 years after the report is indicated or after the
22 subsequent case or report is closed.

23 For purposes of this Section, "child" includes an adult
24 resident as defined in this Act.

25 (Source: P.A. 101-528, eff. 8-23-19; 102-532, eff. 8-20-21.)

1 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

2 Sec. 7.16. For any investigation or appeal initiated on or
3 after, or pending on July 1, 1998, the following time frames
4 shall apply. Within 60 days after the notification of the
5 completion of the Child Protective Service Unit investigation,
6 determined by the date of the notification sent by the
7 Department, the perpetrator named in the notification may
8 request the Department to amend the record or remove the
9 record of the report from the register, except that the 60-day
10 deadline for filing a request to amend the record or remove the
11 record of the report from the State Central Register shall be
12 tolled until after the conclusion of any criminal court action
13 in the circuit court or after adjudication in any juvenile
14 court action concerning the circumstances that give rise to an
15 indicated report. Such request shall be in writing and
16 directed to such person as the Department designates in the
17 notification letter notifying the perpetrator of the indicated
18 finding. The perpetrator shall have the right to a timely
19 hearing within the Department to determine whether the record
20 of the report should be amended or removed on the grounds that
21 it is inaccurate or it is being maintained in a manner
22 inconsistent with this Act, except that there shall be no such
23 right to a hearing on the ground of the report's inaccuracy if
24 there has been a court finding of child abuse or neglect or a
25 criminal finding of guilt as to the perpetrator. Such hearing
26 shall be held within a reasonable time after the perpetrator's

1 request and at a reasonable place and hour. The appropriate
2 Child Protective Service Unit shall be given notice of the
3 hearing. If the minor, who is the victim named in the report
4 sought to be amended or removed from the State Central
5 Register, is the subject of a pending action under Article V of
6 the Juvenile Court Act of 1987 and is in the custody or
7 guardianship of the Department or has an open intact family
8 services case with the Department or is the subject of a
9 pending action under Article II of the Juvenile Court Act of
10 1987, and the report was made while a guardian ad litem was
11 appointed for the minor under Section 5-610 or 2-17 of the
12 Juvenile Court Act of 1987, then the minor shall, through the
13 minor's attorney or guardian ad litem appointed under Section
14 5-610 or 2-17 of the Juvenile Court Act of 1987, have the right
15 to participate and be heard in such hearing as defined under
16 the Department's rules. The Department's obligation under this
17 Section to provide a minor with a guardian ad litem appointed
18 under Section 5-610 of the Juvenile Court Act of 1987 and an
19 open intact family services case with the right to participate
20 and be heard applies only if the guardian ad litem notified the
21 Department in writing of the representation. In such hearings,
22 the burden of proving the accuracy and consistency of the
23 record shall be on the Department and the appropriate Child
24 Protective Service Unit. The hearing shall be conducted by the
25 Director or the Director's ~~his~~ designee, who is hereby
26 authorized and empowered to order the amendment or removal of

1 the record to make it accurate and consistent with this Act.
2 The decision shall be made, in writing, at the close of the
3 hearing, or within 60 days thereof, and shall state the
4 reasons upon which it is based. Decisions of the Department
5 under this Section are administrative decisions subject to
6 judicial review under the Administrative Review Law.

7 Should the Department grant the request of the perpetrator
8 pursuant to this Section either on administrative review or
9 after an administrative hearing to amend an indicated report
10 to an unfounded report, the report shall be released and
11 expunged in accordance with the standards set forth in Section
12 7.14 of this Act.

13 (Source: P.A. 100-158, eff. 1-1-18.)

14 (325 ILCS 5/7.19) (from Ch. 23, par. 2057.19)

15 Sec. 7.19. Upon request, a subject of a report shall be
16 entitled to receive a copy of all information contained in the
17 central register pertaining to the subject's ~~his~~ case.
18 However, the Department may prohibit the release of data that
19 would identify or locate a person who, in good faith, made a
20 report or cooperated in a subsequent investigation. In
21 addition, the Department may seek a court order from the
22 circuit court prohibiting the release of any information which
23 the court finds is likely to be harmful to the subject of the
24 report.

25 (Source: P.A. 81-1077.)

1 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

2 Sec. 11.1. Access to records.

3 (a) A person shall have access to the records described in
4 Section 11 only in furtherance of purposes directly connected
5 with the administration of this Act or the Intergovernmental
6 Missing Child Recovery Act of 1984. Those persons and purposes
7 for access include:

8 (1) Department staff in the furtherance of their
9 responsibilities under this Act, or for the purpose of
10 completing background investigations on persons or
11 agencies licensed by the Department or with whom the
12 Department contracts for the provision of child welfare
13 services.

14 (2) A law enforcement agency investigating known or
15 suspected child abuse or neglect, known or suspected
16 involvement with child pornography, known or suspected
17 criminal sexual assault, known or suspected criminal
18 sexual abuse, or any other sexual offense when a child is
19 alleged to be involved.

20 (3) The Illinois State Police when administering the
21 provisions of the Intergovernmental Missing Child Recovery
22 Act of 1984.

23 (4) A physician who has before the physician ~~him~~ a
24 child whom the physician ~~he~~ reasonably suspects may be
25 abused or neglected.

1 (5) A person authorized under Section 5 of this Act to
2 place a child in temporary protective custody when such
3 person requires the information in the report or record to
4 determine whether to place the child in temporary
5 protective custody.

6 (6) A person having the legal responsibility or
7 authorization to care for, treat, or supervise a child, or
8 a parent, prospective adoptive parent, foster parent,
9 guardian, or other person responsible for the child's
10 welfare, who is the subject of a report.

11 (7) Except in regard to harmful or detrimental
12 information as provided in Section 7.19, any subject of
13 the report, and if the subject of the report is a minor,
14 the minor's ~~his~~ guardian or guardian ad litem.

15 (8) A court, upon its finding that access to such
16 records may be necessary for the determination of an issue
17 before such court; however, such access shall be limited
18 to in camera inspection, unless the court determines that
19 public disclosure of the information contained therein is
20 necessary for the resolution of an issue then pending
21 before it.

22 (8.1) A probation officer or other authorized
23 representative of a probation or court services department
24 conducting an investigation ordered by a court under the
25 Juvenile Court Act of 1987.

26 (9) A grand jury, upon its determination that access

1 to such records is necessary in the conduct of its
2 official business.

3 (10) Any person authorized by the Director, in
4 writing, for audit or bona fide research purposes.

5 (11) Law enforcement agencies, coroners or medical
6 examiners, physicians, courts, school superintendents and
7 child welfare agencies in other states who are responsible
8 for child abuse or neglect investigations or background
9 investigations.

10 (12) The Department of Professional Regulation, the
11 State Board of Education and school superintendents in
12 Illinois, who may use or disclose information from the
13 records as they deem necessary to conduct investigations
14 or take disciplinary action, as provided by law.

15 (13) A coroner or medical examiner who has reason to
16 believe that a child has died as the result of abuse or
17 neglect.

18 (14) The Director of a State-operated facility when an
19 employee of that facility is the perpetrator in an
20 indicated report.

21 (15) The operator of a licensed child care facility or
22 a facility licensed by the Department of Human Services
23 (as successor to the Department of Alcoholism and
24 Substance Abuse) in which children reside when a current
25 or prospective employee of that facility is the
26 perpetrator in an indicated child abuse or neglect report,

1 pursuant to Section 4.3 of the Child Care Act of 1969.

2 (16) Members of a multidisciplinary team in the
3 furtherance of its responsibilities under subsection (b)
4 of Section 7.1. All reports concerning child abuse and
5 neglect made available to members of such
6 multidisciplinary teams and all records generated as a
7 result of such reports shall be confidential and shall not
8 be disclosed, except as specifically authorized by this
9 Act or other applicable law. It is a Class A misdemeanor to
10 permit, assist or encourage the unauthorized release of
11 any information contained in such reports or records.
12 Nothing contained in this Section prevents the sharing of
13 reports or records relating or pertaining to the death of
14 a minor under the care of or receiving services from the
15 Department of Children and Family Services and under the
16 jurisdiction of the juvenile court with the juvenile
17 court, the State's Attorney, and the minor's attorney.

18 (17) The Department of Human Services, as provided in
19 Section 17 of the Rehabilitation of Persons with
20 Disabilities Act.

21 (18) Any other agency or investigative body, including
22 the Department of Public Health and a local board of
23 health, authorized by State law to conduct an
24 investigation into the quality of care provided to
25 children in hospitals and other State regulated care
26 facilities.

1 (19) The person appointed, under Section 2-17 of the
2 Juvenile Court Act of 1987, as the guardian ad litem of a
3 minor who is the subject of a report or records under this
4 Act; or the person appointed, under Section 5-610 of the
5 Juvenile Court Act of 1987, as the guardian ad litem of a
6 minor who is in the custody or guardianship of the
7 Department or who has an open intact family services case
8 with the Department and who is the subject of a report or
9 records made pursuant to this Act.

10 (20) The Department of Human Services, as provided in
11 Section 10 of the Early Intervention Services System Act,
12 and the operator of a facility providing early
13 intervention services pursuant to that Act, for the
14 purpose of determining whether a current or prospective
15 employee who provides or may provide direct services under
16 that Act is the perpetrator in an indicated report of
17 child abuse or neglect filed under this Act.

18 (b) Nothing contained in this Act prevents the sharing or
19 disclosure of information or records relating or pertaining to
20 juveniles subject to the provisions of the Serious Habitual
21 Offender Comprehensive Action Program when that information is
22 used to assist in the early identification and treatment of
23 habitual juvenile offenders.

24 (c) To the extent that persons or agencies are given
25 access to information pursuant to this Section, those persons
26 or agencies may give this information to and receive this

1 information from each other in order to facilitate an
2 investigation conducted by those persons or agencies.

3 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

4 (325 ILCS 5/11.1a)

5 Sec. 11.1a. Disclosure of information.

6 (a) The Director or a person designated in writing by the
7 Director for this purpose may disclose information regarding
8 the abuse or neglect of a child as set forth in this Section,
9 the investigation thereof, and any services related thereto,
10 if the Director or a person designated in writing by the
11 Director ~~he or she~~ determines that such disclosure is not
12 contrary to the best interests of the child, the child's
13 siblings, or other children in the household, and one of the
14 following factors are present:

15 (1) The subject of the report has been criminally
16 charged with committing a crime related to the child abuse
17 or neglect report; or

18 (2) A law enforcement agency or official, a State's
19 Attorney, or a judge of the State court system has
20 publicly disclosed in a report as part of the law
21 enforcement agency's or official's, the State's
22 Attorney's, or the judge's ~~his or her~~ official duty,
23 information regarding the investigation of a report or the
24 provision of services by the Department; or

25 (3) An adult subject of the report has knowingly and

1 voluntarily made a public disclosure concerning a Child
2 Abuse and Neglect Tracking System report; or

3 (4) The child named in the report has been critically
4 injured or died.

5 (b) Information may be disclosed pursuant to this Section
6 as follows:

7 (1) The name of the alleged abused or neglected child.

8 (2) The current status of the investigation, including
9 whether a determination of credible evidence has been
10 made.

11 (3) Identification of child protective or other
12 services provided or actions taken regarding the child
13 named in the report and the child's ~~his or her~~ family as a
14 result of this report.

15 (4) Whether there have been past reports of child
16 abuse or neglect involving this child or family, or both.
17 Any such reports shall be clearly identified as being
18 "Indicated", "Unfounded", or "Pending".

19 (5) Whether the Department has a current or past open
20 service case with the family, and a history of what types
21 of services have been, or are being, provided.

22 (6) Any extraordinary or pertinent information
23 concerning the circumstances of the report, if the
24 Director determines such disclosure is consistent with the
25 public interest.

26 (c) Any disclosure of information pursuant to this Section

1 shall not identify the name of or provide identifying
2 information regarding the source of the report.

3 (d) In determining pursuant to subsection (a) of this
4 Section, whether disclosure will be contrary to the best
5 interests of the child, the child's siblings, or other
6 children in the household, the Director shall consider the
7 interest in privacy of the child and the child's family and the
8 effects which disclosure may have on efforts to reunite and
9 provide services to the family.

10 (e) Except as it applies directly to the cause of the abuse
11 or neglect of the child, nothing in this Section shall be
12 deemed to authorize the release or disclosure of the substance
13 or content of any psychological, psychiatric, therapeutic,
14 clinical, or medical reports, evaluations, or like materials
15 pertaining to the child or the child's family. Prior to the
16 release or disclosure of any psychological, psychiatric, or
17 therapeutic reports pursuant to this subsection, the Deputy
18 Director of Clinical Services shall review such materials and
19 make recommendations regarding its release. Any disclosure of
20 information pursuant to this Section shall not identify the
21 health care provider, health care facility or other maker of
22 the report or source of any psychological, psychiatric,
23 therapeutic, clinical, or medical reports, evaluations, or
24 like materials.

25 (f) Regarding child abuse or neglect reports which occur
26 at a facility licensed by the Department of Children and

1 Family Services, only the following information may be
2 disclosed or released:

3 (1) The name of the facility.

4 (2) The nature of the allegations of abuse or neglect.

5 (3) The number and ages of child victims involved, and
6 their relationship to the perpetrator.

7 (4) Actions the Department has taken to ensure the
8 safety of the children during and subsequent to the
9 investigation.

10 (5) The final finding status of the investigation.

11 (Source: P.A. 90-75, eff. 1-1-98.)

12 (325 ILCS 5/11.3) (from Ch. 23, par. 2061.3)

13 Sec. 11.3. A person given access to the names or other
14 information identifying the subjects of the report, except the
15 subject of the report, shall not make public such identifying
16 information unless the person ~~he~~ is a State's attorney or
17 other law enforcement official and the purpose is to initiate
18 court action. Violation of this Section is a Class A
19 misdemeanor.

20 (Source: P.A. 81-1077.)

21 (325 ILCS 5/11.5) (from Ch. 23, par. 2061.5)

22 Sec. 11.5. Public awareness program.

23 (a) No later than 6 months after the effective date of this
24 amendatory Act of the 101st General Assembly, the Department

1 of Children and Family Services shall develop culturally
2 sensitive materials on child abuse and child neglect, the
3 statewide toll-free telephone number established under Section
4 7.6, and the process for reporting any reasonable suspicion of
5 child abuse or child neglect.

6 The Department shall reach out to businesses and
7 organizations to seek assistance in raising awareness about
8 child abuse and child neglect and the statewide toll-free
9 telephone number established under Section 7.6, including
10 posting notices. The Department shall make a model notice
11 available for download on the Department's website. The model
12 notice shall:

13 (1) be available in English, Spanish, and the 2 other
14 languages most widely spoken in the State;

15 (2) be at least 8 1/2 inches by 11 inches in size and
16 written in a 16-point font;

17 (3) include the following statement:

18 "Protecting children is a responsibility we all
19 share. It is important for every person to take child
20 abuse and child neglect seriously, to be able to
21 recognize when it happens, and to know what to do next.
22 If you have reason to believe a child you know is being
23 abused or neglected, call the State's child abuse
24 hotline"; and

25 (4) include the statewide toll-free telephone number
26 established under Section 7.6, and the Department's

1 website address where more information about child abuse
2 and child neglect is available.

3 (b) Within the appropriation available, the Department
4 shall conduct a continuing education and training program for
5 State and local staff, persons and officials required to
6 report, the general public, and other persons engaged in or
7 intending to engage in the prevention, identification, and
8 treatment of child abuse and neglect. The program shall be
9 designed to encourage the fullest degree of reporting of known
10 and suspected child abuse and neglect, and to improve
11 communication, cooperation, and coordination among all
12 agencies in the identification, prevention, and treatment of
13 child abuse and neglect. The program shall inform the general
14 public and professionals of the nature and extent of child
15 abuse and neglect and their responsibilities, obligations,
16 powers and immunity from liability under this Act. It may
17 include information on the diagnosis of child abuse and
18 neglect and the roles and procedures of the Child Protective
19 Service Unit, the Department and central register, the courts
20 and of the protective, treatment, and ameliorative services
21 available to children and their families. Such information may
22 also include special needs of persons ~~mothers~~ at risk of
23 delivering a child whose life or development may be threatened
24 by a disabling condition, to ensure informed consent to
25 treatment of the condition and understanding of the unique
26 child care responsibilities required for such a child. The

1 program may also encourage parents and other persons having
2 responsibility for the welfare of children to seek assistance
3 on their own in meeting their child care responsibilities and
4 encourage the voluntary acceptance of available services when
5 they are needed. It may also include publicity and
6 dissemination of information on the existence and number of
7 the 24 hour, State-wide, toll-free telephone service to assist
8 persons seeking assistance and to receive reports of known and
9 suspected abuse and neglect.

10 (c) Within the appropriation available, the Department
11 also shall conduct a continuing education and training program
12 for State and local staff involved in investigating reports of
13 child abuse or neglect made under this Act. The program shall
14 be designed to train such staff in the necessary and
15 appropriate procedures to be followed in investigating cases
16 which it appears may result in civil or criminal charges being
17 filed against a person. Program subjects shall include but not
18 be limited to the gathering of evidence with a view toward
19 presenting such evidence in court and the involvement of State
20 or local law enforcement agencies in the investigation. The
21 program shall be conducted in cooperation with State or local
22 law enforcement agencies, State's Attorneys and other
23 components of the criminal justice system as the Department
24 deems appropriate.

25 (Source: P.A. 101-564, eff. 1-1-20.)

1 (325 ILCS 5/11.8)

2 Sec. 11.8. Cross-reporting.

3 (a) Investigation Specialists, Intact Family Specialists,
4 and Placement Specialists employed by the Department of
5 Children and Family Services who reasonably believe that an
6 animal observed by them when in their professional or official
7 capacity is being abused or neglected in violation of the
8 Humane Care for Animals Act must immediately make a written or
9 oral report to the Department of Agriculture's Bureau of
10 Animal Health and Welfare. However, the Department of Children
11 and Family Services may not discipline an Investigation
12 Specialist, an Intact Family Specialist, or a Placement
13 Specialist for failing to make such a report if the Specialist
14 determines that making the report would interfere with the
15 performance of the specialist's ~~his or her~~ child welfare
16 protection duties.

17 (b) A home rule unit may not regulate the reporting of
18 child abuse or neglect in a manner inconsistent with the
19 provisions of this Section. This Section is a limitation under
20 subsection (i) of Section 6 of Article VII of the Illinois
21 Constitution on the concurrent exercise by home rule units of
22 powers and functions exercised by the State.

23 (Source: P.A. 96-494, eff. 8-14-09.)

24 Section 60. The Child Sexual Abuse Prevention Act is
25 amended by changing Sections 4 and 7 as follows:

1 (325 ILCS 15/4) (from Ch. 23, par. 2084)

2 Sec. 4. The Department of Children and Family Services
3 shall support through a grant program a child sexual abuse
4 crisis intervention demonstration center in Cook County and in
5 other parts of the State as funding permits. The functions and
6 goals of such crisis intervention centers shall be:

7 (a) To respond within 24 hours or as soon thereafter as
8 possible to a report of child sexual abuse or exploitation by
9 professional contact with the child and the child's ~~his~~
10 family, and with those persons in the courts and police
11 department involved in the case.

12 (b) The agents of such crisis intervention centers shall:

13 (1) refer the child, and the child's ~~his~~ family if
14 appropriate, to counseling services, including those
15 provided by the treatment centers;

16 (2) accompany the victim through all stages of police
17 investigation, case development and trial where necessary;

18 (3) provide advice to involved police, assistant
19 district attorneys, and judges in the proper handling of a
20 child subjected to sexual abuse and exploitation whenever
21 possible. This advice will be made with consideration to
22 the following priorities:

23 (i) the welfare of the child; and

24 (ii) improved chances for a successful
25 prosecution;

1 (4) make every effort to develop an approach which
2 meets the needs of developing a sound case by assisting
3 the child to understand and cope with the child's ~~his~~ role
4 in the prosecution process.

5 (c) The crisis intervention demonstration centers shall
6 develop and implement written procedures for case planning and
7 case monitoring in relation to the processes of treatment and
8 of investigation and prosecution.

9 (d) Crisis intervention agents should demonstrate evidence
10 of professional knowledge of child development and a record of
11 positive interaction with the police and courts.

12 (e) The centers shall develop training materials for city
13 and county and State personnel through the State to enable
14 emulation and adaptation of the program by other communities
15 and to develop awareness of the problems faced by a child
16 sexual abuse victim as the victim ~~he~~ confronts the criminal
17 justice system.

18 (f) The centers shall report to the director improvements
19 in the criminal justice system and the interrelation of the
20 criminal justice system and child support systems that would
21 serve to meet the goals of this Act.

22 (g) Reports of child sexual abuse referred for
23 investigation to a local law enforcement agency in Cook County
24 by the State Central Registry of the Department of Children
25 and Family Services must also be referred to the crisis
26 intervention center. Reports of child sexual abuse made

1 directly to a local law enforcement agency in Cook County may
2 be referred by that agency to the crisis intervention center.
3 All centers shall make local law enforcement agencies aware of
4 their purposes and encourage their utilization.

5 (Source: P.A. 84-564.)

6 (325 ILCS 15/7) (from Ch. 23, par. 2087)

7 Sec. 7. The Director of the Department of Children and
8 Family Services shall submit annual reports to the General
9 Assembly concerning the Department's ~~his~~ findings regarding
10 the degree of achievement of the goals of this Act.

11 (Source: P.A. 84-564.)

12 Section 65. The Juvenile Court Act of 1987 is amended by
13 changing Sections 1-2, 1-3, 1-5, 1-7, 1-8, 1-9, 2-1, 2-3, 2-4,
14 2-4b, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-10.3, 2-11, 2-13,
15 2-13.1, 2-15, 2-16, 2-17, 2-17.1, 2-20, 2-22, 2-23, 2-24,
16 2-25, 2-26, 2-27, 2-27.1, 2-28, 2-29, 2-31, 2-34, 3-1, 3-3,
17 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-14, 3-15,
18 3-16, 3-17, 3-18, 3-19, 3-21, 3-22, 3-23, 3-24, 3-25, 3-26,
19 3-27, 3-28, 3-29, 3-30, 3-32, 3-33.5, 4-1, 4-4, 4-5, 4-6, 4-7,
20 4-8, 4-9, 4-11, 4-12, 4-13, 4-14 4-15, 4-16, 4-18, 4-20, 4-21,
21 4-22, 4-23, 4-24, 4-25, 4-26, 4-27, 4-29, 5-101, 5-105, 5-110,
22 5-120, 5-130, 5-145, 5-150, 5-155, 5-160, 5-170, 5-301, 5-305,
23 5-310, 5-401, 5-401.5, 5-401.6, 5-405, 5-407, 5-410, 5-415,
24 5-501, 5-505, 5-520, 5-525, 5-530, 5-601, 5-605, 5-610, 5-615,

1 5-620, 5-625, 5-705, 5-710, 5-711, 5-715, 5-720, 5-725, 5-730,
2 5-735, 5-740, 5-745, 5-750, 5-755, 5-7A-105, 5-7A-115, 5-810,
3 5-815, 5-820, 5-901, 5-905, 5-910, 5-915, 5-920, 6-1, 6-3,
4 6-4, 6-7, 6-8, 6-9, and 6-10 as follows:

5 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

6 Sec. 1-2. Purpose and policy.

7 (1) The purpose of this Act is to secure for each minor
8 subject hereto such care and guidance, preferably in the
9 minor's ~~his or her~~ own home, as will serve the safety and
10 moral, emotional, mental, and physical welfare of the minor
11 and the best interests of the community; to preserve and
12 strengthen the minor's family ties whenever possible, removing
13 the minor ~~him or her~~ from the custody of the minor's ~~his or her~~
14 parents only when the minor's ~~his or her~~ safety or welfare or
15 the protection of the public cannot be adequately safeguarded
16 without removal; if the child is removed from the custody of
17 the minor's ~~his or her~~ parent, the Department of Children and
18 Family Services immediately shall consider concurrent
19 planning, as described in Section 5 of the Children and Family
20 Services Act so that permanency may occur at the earliest
21 opportunity; consideration should be given so that if
22 reunification fails or is delayed, the placement made is the
23 best available placement to provide permanency for the child;
24 and, when the minor is removed from the minor's ~~his or her~~ own
25 family, to secure for the minor ~~him or her~~ custody, care and

1 discipline as nearly as possible equivalent to that which
2 should be given by the minor's ~~his or her~~ parents, and in cases
3 where it should and can properly be done to place the minor in
4 a family home so that the minor ~~he or she~~ may become a member
5 of the family by legal adoption or otherwise. Provided that a
6 ground for unfitness under the Adoption Act can be met, it may
7 be appropriate to expedite termination of parental rights:

8 (a) when reasonable efforts are inappropriate, or have
9 been provided and were unsuccessful, and there are
10 aggravating circumstances including, but not limited to,
11 those cases in which (i) the child or another child of that
12 child's parent was (A) abandoned, (B) tortured, or (C)
13 chronically abused or (ii) the parent is criminally
14 convicted of (A) first degree murder or second degree
15 murder of any child, (B) attempt or conspiracy to commit
16 first degree murder or second degree murder of any child,
17 (C) solicitation to commit murder, solicitation to commit
18 murder for hire, solicitation to commit second degree
19 murder of any child, or aggravated assault in violation of
20 subdivision (a)(13) of Section 12-2 of the Criminal Code
21 of 1961 or the Criminal Code of 2012, or (D) aggravated
22 criminal sexual assault in violation of Section
23 11-1.40(a)(1) or 12-14.1(a)(1) of the Criminal Code of
24 1961 or the Criminal Code of 2012; or

25 (b) when the parental rights of a parent with respect
26 to another child of the parent have been involuntarily

1 terminated; or

2 (c) in those extreme cases in which the parent's
3 incapacity to care for the child, combined with an
4 extremely poor prognosis for treatment or rehabilitation,
5 justifies expedited termination of parental rights.

6 (2) In all proceedings under this Act the court may direct
7 the course thereof so as promptly to ascertain the
8 jurisdictional facts and fully to gather information bearing
9 upon the current condition and future welfare of persons
10 subject to this Act. This Act shall be administered in a spirit
11 of humane concern, not only for the rights of the parties, but
12 also for the fears and the limits of understanding of all who
13 appear before the court.

14 (3) In all procedures under this Act, the following shall
15 apply:

16 (a) The procedural rights assured to the minor shall
17 be the rights of adults unless specifically precluded by
18 laws which enhance the protection of such minors.

19 (b) Every child has a right to services necessary to
20 the child's ~~his or her~~ safety and proper development,
21 including health, education and social services.

22 (c) The parents' right to the custody of their child
23 shall not prevail when the court determines that it is
24 contrary to the health, safety, and best interests of the
25 child.

26 (4) This Act shall be liberally construed to carry out the

1 foregoing purpose and policy.

2 (Source: P.A. 97-1150, eff. 1-25-13.)

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

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

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

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

16 (3) "Agency" means a public or private child care facility
17 legally authorized or licensed by this State for placement or
18 institutional care or for both placement and institutional
19 care.

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

24 (4.05) Whenever a "best interest" determination is
25 required, the following factors shall be considered in the

1 context of the child's age and developmental needs:

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

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

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

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

8 (i) where the child actually feels love,
9 attachment, and a sense of being valued (as opposed to
10 where adults believe the child should feel such love,
11 attachment, and a sense of being valued);

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

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

14 (iv) continuity of affection for the child;

15 (v) the least disruptive placement alternative for
16 the child;

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

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

20 (g) the child's need for permanence which includes the
21 child's need for stability and continuity of relationships
22 with parent figures and with siblings and other relatives;

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

24 (i) the risks attendant to entering and being in
25 substitute care; and

26 (j) the preferences of the persons available to care

1 for the child.

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

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

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

10 (6.5) "Dissemination" or "disseminate" means to publish,
11 produce, print, manufacture, distribute, sell, lease, exhibit,
12 broadcast, display, transmit, or otherwise share information
13 in any format so as to make the information accessible to
14 others.

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

18 (7.03) "Expunge" means to physically destroy the records
19 and to obliterate the minor's name from any official index,
20 public record, or electronic database.

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

24 (8) "Guardianship of the person" of a minor means the duty
25 and authority to act in the best interests of the minor,
26 subject to residual parental rights and responsibilities, to

1 make important decisions in matters having a permanent effect
2 on the life and development of the minor and to be concerned
3 with the minor's ~~his or her~~ general welfare. It includes but is
4 not necessarily limited to:

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

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

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

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

20 (8.1) "Juvenile court record" includes, but is not limited
21 to:

22 (a) all documents filed in or maintained by the
23 juvenile court pertaining to a specific incident,
24 proceeding, or individual;

25 (b) all documents relating to a specific incident,
26 proceeding, or individual made available to or maintained

1 by probation officers;

2 (c) all documents, video or audio tapes, photographs,
3 and exhibits admitted into evidence at juvenile court
4 hearings; or

5 (d) all documents, transcripts, records, reports, or
6 other evidence prepared by, maintained by, or released by
7 any municipal, county, or State agency or department, in
8 any format, if indicating involvement with the juvenile
9 court relating to a specific incident, proceeding, or
10 individual.

11 (8.2) "Juvenile law enforcement record" includes records
12 of arrest, station adjustments, fingerprints, probation
13 adjustments, the issuance of a notice to appear, or any other
14 records or documents maintained by any law enforcement agency
15 relating to a minor suspected of committing an offense, and
16 records maintained by a law enforcement agency that identifies
17 a juvenile as a suspect in committing an offense, but does not
18 include records identifying a juvenile as a victim, witness,
19 or missing juvenile and any records created, maintained, or
20 used for purposes of referral to programs relating to
21 diversion as defined in subsection (6) of Section 5-105.

22 (9) "Legal custody" means the relationship created by an
23 order of court in the best interests of the minor which imposes
24 on the custodian the responsibility of physical possession of
25 a minor and the duty to protect, train and discipline the minor
26 ~~him~~ and to provide the minor ~~him~~ with food, shelter, education

1 and ordinary medical care, except as these are limited by
2 residual parental rights and responsibilities and the rights
3 and responsibilities of the guardian of the person, if any.

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

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

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

1 12-14.1, subsection (a) or (b) (but not subsection (c)) of
2 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
3 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, or similar
5 statute in another jurisdiction unless upon motion of any
6 party, other than the offender, to the juvenile court
7 proceedings the court finds it is in the child's best interest
8 to deem the offender a parent for purposes of the juvenile
9 court proceedings.

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

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

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

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

1 physical safety and welfare of a minor who is left in that
2 person's care by the parent or parents or other person
3 responsible for the minor's welfare.

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

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

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

25 (14) "Shelter" means the temporary care of a minor in
26 physically unrestricting facilities pending court disposition

1 or execution of court order for placement.

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

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

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

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

1 an alleged offender by a juvenile police officer.

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

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

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

1 the child has the freedom of movement within the perimeter of
2 the facility, building, or distinct part of the building.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

5 Sec. 1-5. Rights of parties to proceedings.

6 (1) Except as provided in this Section and paragraph (2)
7 of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is
8 the subject of the proceeding and the minor's ~~his or her~~
9 parents, guardian, legal custodian or responsible relative who
10 are parties respondent have the right to be present, to be
11 heard, to present evidence material to the proceedings, to
12 cross-examine witnesses, to examine pertinent court files and
13 records and also, although proceedings under this Act are not
14 intended to be adversary in character, the right to be
15 represented by counsel. At the request of any party
16 financially unable to employ counsel, with the exception of a
17 foster parent permitted to intervene under this Section, the
18 court shall appoint the Public Defender or such other counsel
19 as the case may require. Counsel appointed for the minor and
20 any indigent party shall appear at all stages of the trial
21 court proceeding, and such appointment shall continue through
22 the permanency hearings and termination of parental rights
23 proceedings subject to withdrawal, vacating of appointment, or
24 substitution pursuant to Supreme Court Rules or the Code of
25 Civil Procedure. Following the dispositional hearing, the

1 court may require appointed counsel, other than counsel for
2 the minor or counsel for the guardian ad litem, to withdraw the
3 counsel's ~~his or her~~ appearance upon failure of the party for
4 whom counsel was appointed under this Section to attend any
5 subsequent proceedings.

6 No hearing on any petition or motion filed under this Act
7 may be commenced unless the minor who is the subject of the
8 proceeding is represented by counsel. Notwithstanding the
9 preceding sentence, if a guardian ad litem has been appointed
10 for the minor under Section 2-17 of this Act and the guardian
11 ad litem is a licensed attorney at law of this State, or in the
12 event that a court appointed special advocate has been
13 appointed as guardian ad litem and counsel has been appointed
14 to represent the court appointed special advocate, the court
15 may not require the appointment of counsel to represent the
16 minor unless the court finds that the minor's interests are in
17 conflict with what the guardian ad litem determines to be in
18 the best interest of the minor. Each adult respondent shall be
19 furnished a written "Notice of Rights" at or before the first
20 hearing at which the adult respondent ~~he or she~~ appears.

21 (1.5) The Department shall maintain a system of response
22 to inquiry made by parents or putative parents as to whether
23 their child is under the custody or guardianship of the
24 Department; and if so, the Department shall direct the parents
25 or putative parents to the appropriate court of jurisdiction,
26 including where inquiry may be made of the clerk of the court

1 regarding the case number and the next scheduled court date of
2 the minor's case. Effective notice and the means of accessing
3 information shall be given to the public on a continuing basis
4 by the Department.

5 (2) (a) Though not appointed guardian or legal custodian
6 or otherwise made a party to the proceeding, any current or
7 previously appointed foster parent or relative caregiver, or
8 representative of an agency or association interested in the
9 minor has the right to be heard by the court, but does not
10 thereby become a party to the proceeding.

11 In addition to the foregoing right to be heard by the
12 court, any current foster parent or relative caregiver of a
13 minor and the agency designated by the court or the Department
14 of Children and Family Services as custodian of the minor who
15 is alleged to be or has been adjudicated an abused or neglected
16 minor under Section 2-3 or a dependent minor under Section 2-4
17 of this Act has the right to and shall be given adequate notice
18 at all stages of any hearing or proceeding under this Act.

19 Any foster parent or relative caregiver who is denied the
20 ~~his or her~~ right to be heard under this Section may bring a
21 mandamus action under Article XIV of the Code of Civil
22 Procedure against the court or any public agency to enforce
23 that right. The mandamus action may be brought immediately
24 upon the denial of those rights but in no event later than 30
25 days after the foster parent has been denied the right to be
26 heard.

1 (b) If after an adjudication that a minor is abused or
2 neglected as provided under Section 2-21 of this Act and a
3 motion has been made to restore the minor to any parent,
4 guardian, or legal custodian found by the court to have caused
5 the neglect or to have inflicted the abuse on the minor, a
6 foster parent may file a motion to intervene in the proceeding
7 for the sole purpose of requesting that the minor be placed
8 with the foster parent, provided that the foster parent (i) is
9 the current foster parent of the minor or (ii) has previously
10 been a foster parent for the minor for one year or more, has a
11 foster care license or is eligible for a license or is not
12 required to have a license, and is not the subject of any
13 findings of abuse or neglect of any child. The juvenile court
14 may only enter orders placing a minor with a specific foster
15 parent under this subsection (2)(b) and nothing in this
16 Section shall be construed to confer any jurisdiction or
17 authority on the juvenile court to issue any other orders
18 requiring the appointed guardian or custodian of a minor to
19 place the minor in a designated foster home or facility. This
20 Section is not intended to encompass any matters that are
21 within the scope or determinable under the administrative and
22 appeal process established by rules of the Department of
23 Children and Family Services under Section 5(o) of the
24 Children and Family Services Act. Nothing in this Section
25 shall relieve the court of its responsibility, under Section
26 2-14(a) of this Act to act in a just and speedy manner to

1 reunify families where it is the best interests of the minor
2 and the child can be cared for at home without endangering the
3 child's health or safety and, if reunification is not in the
4 best interests of the minor, to find another permanent home
5 for the minor. Nothing in this Section, or in any order issued
6 by the court with respect to the placement of a minor with a
7 foster parent, shall impair the ability of the Department of
8 Children and Family Services, or anyone else authorized under
9 Section 5 of the Abused and Neglected Child Reporting Act, to
10 remove a minor from the home of a foster parent if the
11 Department of Children and Family Services or the person
12 removing the minor has reason to believe that the
13 circumstances or conditions of the minor are such that
14 continuing in the residence or care of the foster parent will
15 jeopardize the child's health and safety or present an
16 imminent risk of harm to that minor's life.

17 (c) If a foster parent has had the minor who is the subject
18 of the proceeding under Article II in the foster parent's ~~his~~
19 ~~or her~~ home for more than one year on or after July 3, 1994 and
20 if the minor's placement is being terminated from that foster
21 parent's home, that foster parent shall have standing and
22 intervenor status except in those circumstances where the
23 Department of Children and Family Services or anyone else
24 authorized under Section 5 of the Abused and Neglected Child
25 Reporting Act has removed the minor from the foster parent
26 because of a reasonable belief that the circumstances or

1 conditions of the minor are such that continuing in the
2 residence or care of the foster parent will jeopardize the
3 child's health or safety or presents an imminent risk of harm
4 to the minor's life.

5 (d) The court may grant standing to any foster parent if
6 the court finds that it is in the best interest of the child
7 for the foster parent to have standing and intervenor status.

8 (3) Parties respondent are entitled to notice in
9 compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14
10 and 4-15 or 5-525 and 5-530, as appropriate. At the first
11 appearance before the court by the minor, the minor's ~~his~~
12 parents, guardian, custodian or responsible relative, the
13 court shall explain the nature of the proceedings and inform
14 the parties of their rights under the first 2 paragraphs of
15 this Section.

16 If the child is alleged to be abused, neglected or
17 dependent, the court shall admonish the parents that if the
18 court declares the child to be a ward of the court and awards
19 custody or guardianship to the Department of Children and
20 Family Services, the parents must cooperate with the
21 Department of Children and Family Services, comply with the
22 terms of the service plans, and correct the conditions that
23 require the child to be in care, or risk termination of their
24 parental rights.

25 Upon an adjudication of wardship of the court under
26 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the

1 parties of their right to appeal therefrom as well as from any
2 other final judgment of the court.

3 When the court finds that a child is an abused, neglected,
4 or dependent minor under Section 2-21, the court shall
5 admonish the parents that the parents must cooperate with the
6 Department of Children and Family Services, comply with the
7 terms of the service plans, and correct the conditions that
8 require the child to be in care, or risk termination of their
9 parental rights.

10 When the court declares a child to be a ward of the court
11 and awards guardianship to the Department of Children and
12 Family Services under Section 2-22, the court shall admonish
13 the parents, guardian, custodian, or responsible relative that
14 the parents must cooperate with the Department of Children and
15 Family Services, comply with the terms of the service plans,
16 and correct the conditions that require the child to be in
17 care, or risk termination of their parental rights.

18 (4) No sanction may be applied against the minor who is the
19 subject of the proceedings by reason of the minor's ~~his~~
20 refusal or failure to testify in the course of any hearing held
21 prior to final adjudication under Section 2-22, 3-23, 4-20 or
22 5-705.

23 (5) In the discretion of the court, the minor may be
24 excluded from any part or parts of a dispositional hearing
25 and, with the consent of the parent or parents, guardian,
26 counsel or a guardian ad litem, from any part or parts of an

1 adjudicatory hearing.

2 (6) The general public except for the news media and the
3 crime victim, as defined in Section 3 of the Rights of Crime
4 Victims and Witnesses Act, shall be excluded from any hearing
5 and, except for the persons specified in this Section only
6 persons, including representatives of agencies and
7 associations, who in the opinion of the court have a direct
8 interest in the case or in the work of the court shall be
9 admitted to the hearing. However, the court may, for the
10 minor's safety and protection and for good cause shown,
11 prohibit any person or agency present in court from further
12 disclosing the minor's identity. Nothing in this subsection
13 (6) prevents the court from allowing other juveniles to be
14 present or to participate in a court session being held under
15 the Juvenile Drug Court Treatment Act.

16 (7) A party shall not be entitled to exercise the right to
17 a substitution of a judge without cause under subdivision
18 (a)(2) of Section 2-1001 of the Code of Civil Procedure in a
19 proceeding under this Act if the judge is currently assigned
20 to a proceeding involving the alleged abuse, neglect, or
21 dependency of the minor's sibling or half sibling and that
22 judge has made a substantive ruling in the proceeding
23 involving the minor's sibling or half sibling.

24 (Source: P.A. 101-147, eff. 1-1-20.)

25 (705 ILCS 405/1-7)

1 (Text of Section before amendment by P.A. 101-652)

2 Sec. 1-7. Confidentiality of juvenile law enforcement and
3 municipal ordinance violation records.

4 (A) All juvenile law enforcement records which have not
5 been expunged are confidential and may never be disclosed to
6 the general public or otherwise made widely available.
7 Juvenile law enforcement records may be obtained only under
8 this Section and Section 1-8 and Part 9 of Article V of this
9 Act, when their use is needed for good cause and with an order
10 from the juvenile court, as required by those not authorized
11 to retain them. Inspection, copying, and disclosure of
12 juvenile law enforcement records maintained by law enforcement
13 agencies or records of municipal ordinance violations
14 maintained by any State, local, or municipal agency that
15 relate to a minor who has been investigated, arrested, or
16 taken into custody before the minor's ~~his or her~~ 18th birthday
17 shall be restricted to the following:

18 (0.05) The minor who is the subject of the juvenile
19 law enforcement record, the minor's ~~his~~ or her parents,
20 guardian, and counsel.

21 (0.10) Judges of the circuit court and members of the
22 staff of the court designated by the judge.

23 (0.15) An administrative adjudication hearing officer
24 or members of the staff designated to assist in the
25 administrative adjudication process.

26 (1) Any local, State, or federal law enforcement

1 officers or designated law enforcement staff of any
2 jurisdiction or agency when necessary for the discharge of
3 their official duties during the investigation or
4 prosecution of a crime or relating to a minor who has been
5 adjudicated delinquent and there has been a previous
6 finding that the act which constitutes the previous
7 offense was committed in furtherance of criminal
8 activities by a criminal street gang, or, when necessary
9 for the discharge of its official duties in connection
10 with a particular investigation of the conduct of a law
11 enforcement officer, an independent agency or its staff
12 created by ordinance and charged by a unit of local
13 government with the duty of investigating the conduct of
14 law enforcement officers. For purposes of this Section,
15 "criminal street gang" has the meaning ascribed to it in
16 Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (2) Prosecutors, public defenders, probation officers,
19 social workers, or other individuals assigned by the court
20 to conduct a pre-adjudication or pre-disposition
21 investigation, and individuals responsible for supervising
22 or providing temporary or permanent care and custody for
23 minors under the order of the juvenile court, when
24 essential to performing their responsibilities.

25 (3) Federal, State, or local prosecutors, public
26 defenders, probation officers, and designated staff:

1 (a) in the course of a trial when institution of
2 criminal proceedings has been permitted or required
3 under Section 5-805;

4 (b) when institution of criminal proceedings has
5 been permitted or required under Section 5-805 and the
6 minor is the subject of a proceeding to determine the
7 amount of bail;

8 (c) when criminal proceedings have been permitted
9 or required under Section 5-805 and the minor is the
10 subject of a pre-trial investigation, pre-sentence
11 investigation, fitness hearing, or proceedings on an
12 application for probation; or

13 (d) in the course of prosecution or administrative
14 adjudication of a violation of a traffic, boating, or
15 fish and game law, or a county or municipal ordinance.

16 (4) Adult and Juvenile Prisoner Review Board.

17 (5) Authorized military personnel.

18 (5.5) Employees of the federal government authorized
19 by law.

20 (6) Persons engaged in bona fide research, with the
21 permission of the Presiding Judge and the chief executive
22 of the respective law enforcement agency; provided that
23 publication of such research results in no disclosure of a
24 minor's identity and protects the confidentiality of the
25 minor's record.

26 (7) Department of Children and Family Services child

1 protection investigators acting in their official
2 capacity.

3 (8) The appropriate school official only if the agency
4 or officer believes that there is an imminent threat of
5 physical harm to students, school personnel, or others who
6 are present in the school or on school grounds.

7 (A) Inspection and copying shall be limited to
8 juvenile law enforcement records transmitted to the
9 appropriate school official or officials whom the
10 school has determined to have a legitimate educational
11 or safety interest by a local law enforcement agency
12 under a reciprocal reporting system established and
13 maintained between the school district and the local
14 law enforcement agency under Section 10-20.14 of the
15 School Code concerning a minor enrolled in a school
16 within the school district who has been arrested or
17 taken into custody for any of the following offenses:

18 (i) any violation of Article 24 of the
19 Criminal Code of 1961 or the Criminal Code of
20 2012;

21 (ii) a violation of the Illinois Controlled
22 Substances Act;

23 (iii) a violation of the Cannabis Control Act;

24 (iv) a forcible felony as defined in Section
25 2-8 of the Criminal Code of 1961 or the Criminal
26 Code of 2012;

1 (v) a violation of the Methamphetamine Control
2 and Community Protection Act;

3 (vi) a violation of Section 1-2 of the
4 Harassing and Obscene Communications Act;

5 (vii) a violation of the Hazing Act; or

6 (viii) a violation of Section 12-1, 12-2,
7 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
8 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
9 Criminal Code of 1961 or the Criminal Code of
10 2012.

11 The information derived from the juvenile law
12 enforcement records shall be kept separate from and
13 shall not become a part of the official school record
14 of that child and shall not be a public record. The
15 information shall be used solely by the appropriate
16 school official or officials whom the school has
17 determined to have a legitimate educational or safety
18 interest to aid in the proper rehabilitation of the
19 child and to protect the safety of students and
20 employees in the school. If the designated law
21 enforcement and school officials deem it to be in the
22 best interest of the minor, the student may be
23 referred to in-school or community-based social
24 services if those services are available.
25 "Rehabilitation services" may include interventions by
26 school support personnel, evaluation for eligibility

1 for special education, referrals to community-based
2 agencies such as youth services, behavioral healthcare
3 service providers, drug and alcohol prevention or
4 treatment programs, and other interventions as deemed
5 appropriate for the student.

6 (B) Any information provided to appropriate school
7 officials whom the school has determined to have a
8 legitimate educational or safety interest by local law
9 enforcement officials about a minor who is the subject
10 of a current police investigation that is directly
11 related to school safety shall consist of oral
12 information only, and not written juvenile law
13 enforcement records, and shall be used solely by the
14 appropriate school official or officials to protect
15 the safety of students and employees in the school and
16 aid in the proper rehabilitation of the child. The
17 information derived orally from the local law
18 enforcement officials shall be kept separate from and
19 shall not become a part of the official school record
20 of the child and shall not be a public record. This
21 limitation on the use of information about a minor who
22 is the subject of a current police investigation shall
23 in no way limit the use of this information by
24 prosecutors in pursuing criminal charges arising out
25 of the information disclosed during a police
26 investigation of the minor. For purposes of this

1 paragraph, "investigation" means an official
2 systematic inquiry by a law enforcement agency into
3 actual or suspected criminal activity.

4 (9) Mental health professionals on behalf of the
5 Department of Corrections or the Department of Human
6 Services or prosecutors who are evaluating, prosecuting,
7 or investigating a potential or actual petition brought
8 under the Sexually Violent Persons Commitment Act relating
9 to a person who is the subject of juvenile law enforcement
10 records or the respondent to a petition brought under the
11 Sexually Violent Persons Commitment Act who is the subject
12 of the juvenile law enforcement records sought. Any
13 juvenile law enforcement records and any information
14 obtained from those juvenile law enforcement records under
15 this paragraph (9) may be used only in sexually violent
16 persons commitment proceedings.

17 (10) The president of a park district. Inspection and
18 copying shall be limited to juvenile law enforcement
19 records transmitted to the president of the park district
20 by the Illinois State Police under Section 8-23 of the
21 Park District Code or Section 16a-5 of the Chicago Park
22 District Act concerning a person who is seeking employment
23 with that park district and who has been adjudicated a
24 juvenile delinquent for any of the offenses listed in
25 subsection (c) of Section 8-23 of the Park District Code
26 or subsection (c) of Section 16a-5 of the Chicago Park

1 District Act.

2 (11) Persons managing and designated to participate in
3 a court diversion program as designated in subsection (6)
4 of Section 5-105.

5 (12) The Public Access Counselor of the Office of the
6 Attorney General, when reviewing juvenile law enforcement
7 records under its powers and duties under the Freedom of
8 Information Act.

9 (13) Collection agencies, contracted or otherwise
10 engaged by a governmental entity, to collect any debts due
11 and owing to the governmental entity.

12 (B)(1) Except as provided in paragraph (2), no law
13 enforcement officer or other person or agency may knowingly
14 transmit to the Department of Corrections, the Illinois State
15 Police, or the Federal Bureau of Investigation any fingerprint
16 or photograph relating to a minor who has been arrested or
17 taken into custody before the minor's ~~his or her~~ 18th
18 birthday, unless the court in proceedings under this Act
19 authorizes the transmission or enters an order under Section
20 5-805 permitting or requiring the institution of criminal
21 proceedings.

22 (2) Law enforcement officers or other persons or agencies
23 shall transmit to the Illinois State Police copies of
24 fingerprints and descriptions of all minors who have been
25 arrested or taken into custody before their 18th birthday for
26 the offense of unlawful use of weapons under Article 24 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
2 or Class 1 felony, a forcible felony as defined in Section 2-8
3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
4 Class 2 or greater felony under the Cannabis Control Act, the
5 Illinois Controlled Substances Act, the Methamphetamine
6 Control and Community Protection Act, or Chapter 4 of the
7 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
8 Identification Act. Information reported to the Department
9 pursuant to this Section may be maintained with records that
10 the Department files pursuant to Section 2.1 of the Criminal
11 Identification Act. Nothing in this Act prohibits a law
12 enforcement agency from fingerprinting a minor taken into
13 custody or arrested before the minor's ~~his or her~~ 18th
14 birthday for an offense other than those listed in this
15 paragraph (2).

16 (C) The records of law enforcement officers, or of an
17 independent agency created by ordinance and charged by a unit
18 of local government with the duty of investigating the conduct
19 of law enforcement officers, concerning all minors under 18
20 years of age must be maintained separate from the records of
21 arrests and may not be open to public inspection or their
22 contents disclosed to the public. For purposes of obtaining
23 documents under this Section, a civil subpoena is not an order
24 of the court.

25 (1) In cases where the law enforcement, or independent
26 agency, records concern a pending juvenile court case, the

1 party seeking to inspect the records shall provide actual
2 notice to the attorney or guardian ad litem of the minor
3 whose records are sought.

4 (2) In cases where the records concern a juvenile
5 court case that is no longer pending, the party seeking to
6 inspect the records shall provide actual notice to the
7 minor or the minor's parent or legal guardian, and the
8 matter shall be referred to the chief judge presiding over
9 matters pursuant to this Act.

10 (3) In determining whether the records should be
11 available for inspection, the court shall consider the
12 minor's interest in confidentiality and rehabilitation
13 over the moving party's interest in obtaining the
14 information. Any records obtained in violation of this
15 subsection (C) shall not be admissible in any criminal or
16 civil proceeding, or operate to disqualify a minor from
17 subsequently holding public office or securing employment,
18 or operate as a forfeiture of any public benefit, right,
19 privilege, or right to receive any license granted by
20 public authority.

21 (D) Nothing contained in subsection (C) of this Section
22 shall prohibit the inspection or disclosure to victims and
23 witnesses of photographs contained in the records of law
24 enforcement agencies when the inspection and disclosure is
25 conducted in the presence of a law enforcement officer for the
26 purpose of the identification or apprehension of any person

1 subject to the provisions of this Act or for the investigation
2 or prosecution of any crime.

3 (E) Law enforcement officers, and personnel of an
4 independent agency created by ordinance and charged by a unit
5 of local government with the duty of investigating the conduct
6 of law enforcement officers, may not disclose the identity of
7 any minor in releasing information to the general public as to
8 the arrest, investigation or disposition of any case involving
9 a minor.

10 (F) Nothing contained in this Section shall prohibit law
11 enforcement agencies from communicating with each other by
12 letter, memorandum, teletype, or intelligence alert bulletin
13 or other means the identity or other relevant information
14 pertaining to a person under 18 years of age if there are
15 reasonable grounds to believe that the person poses a real and
16 present danger to the safety of the public or law enforcement
17 officers. The information provided under this subsection (F)
18 shall remain confidential and shall not be publicly disclosed,
19 except as otherwise allowed by law.

20 (G) Nothing in this Section shall prohibit the right of a
21 Civil Service Commission or appointing authority of any
22 federal government, state, county or municipality examining
23 the character and fitness of an applicant for employment with
24 a law enforcement agency, correctional institution, or fire
25 department from obtaining and examining the records of any law
26 enforcement agency relating to any record of the applicant

1 having been arrested or taken into custody before the
2 applicant's 18th birthday.

3 (G-5) Information identifying victims and alleged victims
4 of sex offenses shall not be disclosed or open to the public
5 under any circumstances. Nothing in this Section shall
6 prohibit the victim or alleged victim of any sex offense from
7 voluntarily disclosing this ~~his or her own~~ identity.

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

12 (H-5) Nothing in this Section shall require any court or
13 adjudicative proceeding for traffic, boating, fish and game
14 law, or municipal and county ordinance violations to be closed
15 to the public.

16 (I) Willful violation of this Section is a Class C
17 misdemeanor and each violation is subject to a fine of \$1,000.
18 This subsection (I) shall not apply to the person who is the
19 subject of the record.

20 (J) A person convicted of violating this Section is liable
21 for damages in the amount of \$1,000 or actual damages,
22 whichever is greater.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (Text of Section after amendment by P.A. 101-652)

25 Sec. 1-7. Confidentiality of juvenile law enforcement and

1 municipal ordinance violation records.

2 (A) All juvenile law enforcement records which have not
3 been expunged are confidential and may never be disclosed to
4 the general public or otherwise made widely available.
5 Juvenile law enforcement records may be obtained only under
6 this Section and Section 1-8 and Part 9 of Article V of this
7 Act, when their use is needed for good cause and with an order
8 from the juvenile court, as required by those not authorized
9 to retain them. Inspection, copying, and disclosure of
10 juvenile law enforcement records maintained by law enforcement
11 agencies or records of municipal ordinance violations
12 maintained by any State, local, or municipal agency that
13 relate to a minor who has been investigated, arrested, or
14 taken into custody before the minor's ~~his or her~~ 18th birthday
15 shall be restricted to the following:

16 (0.05) The minor who is the subject of the juvenile
17 law enforcement record, the minor's ~~his or her~~ parents,
18 guardian, and counsel.

19 (0.10) Judges of the circuit court and members of the
20 staff of the court designated by the judge.

21 (0.15) An administrative adjudication hearing officer
22 or members of the staff designated to assist in the
23 administrative adjudication process.

24 (1) Any local, State, or federal law enforcement
25 officers or designated law enforcement staff of any
26 jurisdiction or agency when necessary for the discharge of

1 their official duties during the investigation or
2 prosecution of a crime or relating to a minor who has been
3 adjudicated delinquent and there has been a previous
4 finding that the act which constitutes the previous
5 offense was committed in furtherance of criminal
6 activities by a criminal street gang, or, when necessary
7 for the discharge of its official duties in connection
8 with a particular investigation of the conduct of a law
9 enforcement officer, an independent agency or its staff
10 created by ordinance and charged by a unit of local
11 government with the duty of investigating the conduct of
12 law enforcement officers. For purposes of this Section,
13 "criminal street gang" has the meaning ascribed to it in
14 Section 10 of the Illinois Streetgang Terrorism Omnibus
15 Prevention Act.

16 (2) Prosecutors, public defenders, probation officers,
17 social workers, or other individuals assigned by the court
18 to conduct a pre-adjudication or pre-disposition
19 investigation, and individuals responsible for supervising
20 or providing temporary or permanent care and custody for
21 minors under the order of the juvenile court, when
22 essential to performing their responsibilities.

23 (3) Federal, State, or local prosecutors, public
24 defenders, probation officers, and designated staff:

25 (a) in the course of a trial when institution of
26 criminal proceedings has been permitted or required

1 under Section 5-805;

2 (b) when institution of criminal proceedings has
3 been permitted or required under Section 5-805 and the
4 minor is the subject of a proceeding to determine the
5 conditions of pretrial release;

6 (c) when criminal proceedings have been permitted
7 or required under Section 5-805 and the minor is the
8 subject of a pre-trial investigation, pre-sentence
9 investigation, fitness hearing, or proceedings on an
10 application for probation; or

11 (d) in the course of prosecution or administrative
12 adjudication of a violation of a traffic, boating, or
13 fish and game law, or a county or municipal ordinance.

14 (4) Adult and Juvenile Prisoner Review Board.

15 (5) Authorized military personnel.

16 (5.5) Employees of the federal government authorized
17 by law.

18 (6) Persons engaged in bona fide research, with the
19 permission of the Presiding Judge and the chief executive
20 of the respective law enforcement agency; provided that
21 publication of such research results in no disclosure of a
22 minor's identity and protects the confidentiality of the
23 minor's record.

24 (7) Department of Children and Family Services child
25 protection investigators acting in their official
26 capacity.

1 (8) The appropriate school official only if the agency
2 or officer believes that there is an imminent threat of
3 physical harm to students, school personnel, or others who
4 are present in the school or on school grounds.

5 (A) Inspection and copying shall be limited to
6 juvenile law enforcement records transmitted to the
7 appropriate school official or officials whom the
8 school has determined to have a legitimate educational
9 or safety interest by a local law enforcement agency
10 under a reciprocal reporting system established and
11 maintained between the school district and the local
12 law enforcement agency under Section 10-20.14 of the
13 School Code concerning a minor enrolled in a school
14 within the school district who has been arrested or
15 taken into custody for any of the following offenses:

16 (i) any violation of Article 24 of the
17 Criminal Code of 1961 or the Criminal Code of
18 2012;

19 (ii) a violation of the Illinois Controlled
20 Substances Act;

21 (iii) a violation of the Cannabis Control Act;

22 (iv) a forcible felony as defined in Section
23 2-8 of the Criminal Code of 1961 or the Criminal
24 Code of 2012;

25 (v) a violation of the Methamphetamine Control
26 and Community Protection Act;

1 (vi) a violation of Section 1-2 of the
2 Harassing and Obscene Communications Act;

3 (vii) a violation of the Hazing Act; or

4 (viii) a violation of Section 12-1, 12-2,
5 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
6 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
7 Criminal Code of 1961 or the Criminal Code of
8 2012.

9 The information derived from the juvenile law
10 enforcement records shall be kept separate from and
11 shall not become a part of the official school record
12 of that child and shall not be a public record. The
13 information shall be used solely by the appropriate
14 school official or officials whom the school has
15 determined to have a legitimate educational or safety
16 interest to aid in the proper rehabilitation of the
17 child and to protect the safety of students and
18 employees in the school. If the designated law
19 enforcement and school officials deem it to be in the
20 best interest of the minor, the student may be
21 referred to in-school or community-based social
22 services if those services are available.
23 "Rehabilitation services" may include interventions by
24 school support personnel, evaluation for eligibility
25 for special education, referrals to community-based
26 agencies such as youth services, behavioral healthcare

1 service providers, drug and alcohol prevention or
2 treatment programs, and other interventions as deemed
3 appropriate for the student.

4 (B) Any information provided to appropriate school
5 officials whom the school has determined to have a
6 legitimate educational or safety interest by local law
7 enforcement officials about a minor who is the subject
8 of a current police investigation that is directly
9 related to school safety shall consist of oral
10 information only, and not written juvenile law
11 enforcement records, and shall be used solely by the
12 appropriate school official or officials to protect
13 the safety of students and employees in the school and
14 aid in the proper rehabilitation of the child. The
15 information derived orally from the local law
16 enforcement officials shall be kept separate from and
17 shall not become a part of the official school record
18 of the child and shall not be a public record. This
19 limitation on the use of information about a minor who
20 is the subject of a current police investigation shall
21 in no way limit the use of this information by
22 prosecutors in pursuing criminal charges arising out
23 of the information disclosed during a police
24 investigation of the minor. For purposes of this
25 paragraph, "investigation" means an official
26 systematic inquiry by a law enforcement agency into

1 actual or suspected criminal activity.

2 (9) Mental health professionals on behalf of the
3 Department of Corrections or the Department of Human
4 Services or prosecutors who are evaluating, prosecuting,
5 or investigating a potential or actual petition brought
6 under the Sexually Violent Persons Commitment Act relating
7 to a person who is the subject of juvenile law enforcement
8 records or the respondent to a petition brought under the
9 Sexually Violent Persons Commitment Act who is the subject
10 of the juvenile law enforcement records sought. Any
11 juvenile law enforcement records and any information
12 obtained from those juvenile law enforcement records under
13 this paragraph (9) may be used only in sexually violent
14 persons commitment proceedings.

15 (10) The president of a park district. Inspection and
16 copying shall be limited to juvenile law enforcement
17 records transmitted to the president of the park district
18 by the Illinois State Police under Section 8-23 of the
19 Park District Code or Section 16a-5 of the Chicago Park
20 District Act concerning a person who is seeking employment
21 with that park district and who has been adjudicated a
22 juvenile delinquent for any of the offenses listed in
23 subsection (c) of Section 8-23 of the Park District Code
24 or subsection (c) of Section 16a-5 of the Chicago Park
25 District Act.

26 (11) Persons managing and designated to participate in

1 a court diversion program as designated in subsection (6)
2 of Section 5-105.

3 (12) The Public Access Counselor of the Office of the
4 Attorney General, when reviewing juvenile law enforcement
5 records under its powers and duties under the Freedom of
6 Information Act.

7 (13) Collection agencies, contracted or otherwise
8 engaged by a governmental entity, to collect any debts due
9 and owing to the governmental entity.

10 (B)(1) Except as provided in paragraph (2), no law
11 enforcement officer or other person or agency may knowingly
12 transmit to the Department of Corrections, the Illinois State
13 Police, or the Federal Bureau of Investigation any fingerprint
14 or photograph relating to a minor who has been arrested or
15 taken into custody before the minor's ~~his or her~~ 18th
16 birthday, unless the court in proceedings under this Act
17 authorizes the transmission or enters an order under Section
18 5-805 permitting or requiring the institution of criminal
19 proceedings.

20 (2) Law enforcement officers or other persons or agencies
21 shall transmit to the Illinois State Police copies of
22 fingerprints and descriptions of all minors who have been
23 arrested or taken into custody before their 18th birthday for
24 the offense of unlawful use of weapons under Article 24 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
26 or Class 1 felony, a forcible felony as defined in Section 2-8

1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
2 Class 2 or greater felony under the Cannabis Control Act, the
3 Illinois Controlled Substances Act, the Methamphetamine
4 Control and Community Protection Act, or Chapter 4 of the
5 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
6 Identification Act. Information reported to the Department
7 pursuant to this Section may be maintained with records that
8 the Department files pursuant to Section 2.1 of the Criminal
9 Identification Act. Nothing in this Act prohibits a law
10 enforcement agency from fingerprinting a minor taken into
11 custody or arrested before the minor's ~~his or her~~ 18th
12 birthday for an offense other than those listed in this
13 paragraph (2).

14 (C) The records of law enforcement officers, or of an
15 independent agency created by ordinance and charged by a unit
16 of local government with the duty of investigating the conduct
17 of law enforcement officers, concerning all minors under 18
18 years of age must be maintained separate from the records of
19 arrests and may not be open to public inspection or their
20 contents disclosed to the public. For purposes of obtaining
21 documents under this Section, a civil subpoena is not an order
22 of the court.

23 (1) In cases where the law enforcement, or independent
24 agency, records concern a pending juvenile court case, the
25 party seeking to inspect the records shall provide actual
26 notice to the attorney or guardian ad litem of the minor

1 whose records are sought.

2 (2) In cases where the records concern a juvenile
3 court case that is no longer pending, the party seeking to
4 inspect the records shall provide actual notice to the
5 minor or the minor's parent or legal guardian, and the
6 matter shall be referred to the chief judge presiding over
7 matters pursuant to this Act.

8 (3) In determining whether the records should be
9 available for inspection, the court shall consider the
10 minor's interest in confidentiality and rehabilitation
11 over the moving party's interest in obtaining the
12 information. Any records obtained in violation of this
13 subsection (C) shall not be admissible in any criminal or
14 civil proceeding, or operate to disqualify a minor from
15 subsequently holding public office or securing employment,
16 or operate as a forfeiture of any public benefit, right,
17 privilege, or right to receive any license granted by
18 public authority.

19 (D) Nothing contained in subsection (C) of this Section
20 shall prohibit the inspection or disclosure to victims and
21 witnesses of photographs contained in the records of law
22 enforcement agencies when the inspection and disclosure is
23 conducted in the presence of a law enforcement officer for the
24 purpose of the identification or apprehension of any person
25 subject to the provisions of this Act or for the investigation
26 or prosecution of any crime.

1 (E) Law enforcement officers, and personnel of an
2 independent agency created by ordinance and charged by a unit
3 of local government with the duty of investigating the conduct
4 of law enforcement officers, may not disclose the identity of
5 any minor in releasing information to the general public as to
6 the arrest, investigation or disposition of any case involving
7 a minor.

8 (F) Nothing contained in this Section shall prohibit law
9 enforcement agencies from communicating with each other by
10 letter, memorandum, teletype, or intelligence alert bulletin
11 or other means the identity or other relevant information
12 pertaining to a person under 18 years of age if there are
13 reasonable grounds to believe that the person poses a real and
14 present danger to the safety of the public or law enforcement
15 officers. The information provided under this subsection (F)
16 shall remain confidential and shall not be publicly disclosed,
17 except as otherwise allowed by law.

18 (G) Nothing in this Section shall prohibit the right of a
19 Civil Service Commission or appointing authority of any
20 federal government, state, county or municipality examining
21 the character and fitness of an applicant for employment with
22 a law enforcement agency, correctional institution, or fire
23 department from obtaining and examining the records of any law
24 enforcement agency relating to any record of the applicant
25 having been arrested or taken into custody before the
26 applicant's 18th birthday.

1 (G-5) Information identifying victims and alleged victims
2 of sex offenses shall not be disclosed or open to the public
3 under any circumstances. Nothing in this Section shall
4 prohibit the victim or alleged victim of any sex offense from
5 voluntarily disclosing this ~~his or her own~~ identity.

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

10 (H-5) Nothing in this Section shall require any court or
11 adjudicative proceeding for traffic, boating, fish and game
12 law, or municipal and county ordinance violations to be closed
13 to the public.

14 (I) Willful violation of this Section is a Class C
15 misdemeanor and each violation is subject to a fine of \$1,000.
16 This subsection (I) shall not apply to the person who is the
17 subject of the record.

18 (J) A person convicted of violating this Section is liable
19 for damages in the amount of \$1,000 or actual damages,
20 whichever is greater.

21 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
22 revised 10-13-21.)

23 (705 ILCS 405/1-8)

24 (Text of Section before amendment by P.A. 101-652)

25 Sec. 1-8. Confidentiality and accessibility of juvenile

1 court records.

2 (A) A juvenile adjudication shall never be considered a
3 conviction nor shall an adjudicated individual be considered a
4 criminal. Unless expressly allowed by law, a juvenile
5 adjudication shall not operate to impose upon the individual
6 any of the civil disabilities ordinarily imposed by or
7 resulting from conviction. Unless expressly allowed by law,
8 adjudications shall not prejudice or disqualify the individual
9 in any civil service application or appointment, from holding
10 public office, or from receiving any license granted by public
11 authority. All juvenile court records which have not been
12 expunged are sealed and may never be disclosed to the general
13 public or otherwise made widely available. Sealed juvenile
14 court records may be obtained only under this Section and
15 Section 1-7 and Part 9 of Article V of this Act, when their use
16 is needed for good cause and with an order from the juvenile
17 court. Inspection and copying of juvenile court records
18 relating to a minor who is the subject of a proceeding under
19 this Act shall be restricted to the following:

20 (1) The minor who is the subject of record, the
21 minor's ~~his or her~~ parents, guardian, and counsel.

22 (2) Law enforcement officers and law enforcement
23 agencies when such information is essential to executing
24 an arrest or search warrant or other compulsory process,
25 or to conducting an ongoing investigation or relating to a
26 minor who has been adjudicated delinquent and there has

1 been a previous finding that the act which constitutes the
2 previous offense was committed in furtherance of criminal
3 activities by a criminal street gang.

4 Before July 1, 1994, for the purposes of this Section,
5 "criminal street gang" means any ongoing organization,
6 association, or group of 3 or more persons, whether formal
7 or informal, having as one of its primary activities the
8 commission of one or more criminal acts and that has a
9 common name or common identifying sign, symbol or specific
10 color apparel displayed, and whose members individually or
11 collectively engage in or have engaged in a pattern of
12 criminal activity.

13 Beginning July 1, 1994, for purposes of this Section,
14 "criminal street gang" has the meaning ascribed to it in
15 Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 (3) Judges, hearing officers, prosecutors, public
18 defenders, probation officers, social workers, or other
19 individuals assigned by the court to conduct a
20 pre-adjudication or pre-disposition investigation, and
21 individuals responsible for supervising or providing
22 temporary or permanent care and custody for minors under
23 the order of the juvenile court when essential to
24 performing their responsibilities.

25 (4) Judges, federal, State, and local prosecutors,
26 public defenders, probation officers, and designated

1 staff:

2 (a) in the course of a trial when institution of
3 criminal proceedings has been permitted or required
4 under Section 5-805;

5 (b) when criminal proceedings have been permitted
6 or required under Section 5-805 and a minor is the
7 subject of a proceeding to determine the amount of
8 bail;

9 (c) when criminal proceedings have been permitted
10 or required under Section 5-805 and a minor is the
11 subject of a pre-trial investigation, pre-sentence
12 investigation or fitness hearing, or proceedings on an
13 application for probation; or

14 (d) when a minor becomes 18 years of age or older,
15 and is the subject of criminal proceedings, including
16 a hearing to determine the amount of bail, a pre-trial
17 investigation, a pre-sentence investigation, a fitness
18 hearing, or proceedings on an application for
19 probation.

20 (5) Adult and Juvenile Prisoner Review Boards.

21 (6) Authorized military personnel.

22 (6.5) Employees of the federal government authorized
23 by law.

24 (7) Victims, their subrogees and legal
25 representatives; however, such persons shall have access
26 only to the name and address of the minor and information

1 pertaining to the disposition or alternative adjustment
2 plan of the juvenile court.

3 (8) Persons engaged in bona fide research, with the
4 permission of the presiding judge of the juvenile court
5 and the chief executive of the agency that prepared the
6 particular records; provided that publication of such
7 research results in no disclosure of a minor's identity
8 and protects the confidentiality of the record.

9 (9) The Secretary of State to whom the Clerk of the
10 Court shall report the disposition of all cases, as
11 required in Section 6-204 of the Illinois Vehicle Code.
12 However, information reported relative to these offenses
13 shall be privileged and available only to the Secretary of
14 State, courts, and police officers.

15 (10) The administrator of a bonafide substance abuse
16 student assistance program with the permission of the
17 presiding judge of the juvenile court.

18 (11) Mental health professionals on behalf of the
19 Department of Corrections or the Department of Human
20 Services or prosecutors who are evaluating, prosecuting,
21 or investigating a potential or actual petition brought
22 under the Sexually Violent Persons Commitment Act relating
23 to a person who is the subject of juvenile court records or
24 the respondent to a petition brought under the Sexually
25 Violent Persons Commitment Act, who is the subject of
26 juvenile court records sought. Any records and any

1 information obtained from those records under this
2 paragraph (11) may be used only in sexually violent
3 persons commitment proceedings.

4 (12) Collection agencies, contracted or otherwise
5 engaged by a governmental entity, to collect any debts due
6 and owing to the governmental entity.

7 (A-1) Findings and exclusions of paternity entered in
8 proceedings occurring under Article II of this Act shall be
9 disclosed, in a manner and form approved by the Presiding
10 Judge of the Juvenile Court, to the Department of Healthcare
11 and Family Services when necessary to discharge the duties of
12 the Department of Healthcare and Family Services under Article
13 X of the Illinois Public Aid Code.

14 (B) A minor who is the victim in a juvenile proceeding
15 shall be provided the same confidentiality regarding
16 disclosure of identity as the minor who is the subject of
17 record.

18 (C) (0.1) In cases where the records concern a pending
19 juvenile court case, the requesting party seeking to inspect
20 the juvenile court records shall provide actual notice to the
21 attorney or guardian ad litem of the minor whose records are
22 sought.

23 (0.2) In cases where the juvenile court records concern a
24 juvenile court case that is no longer pending, the requesting
25 party seeking to inspect the juvenile court records shall
26 provide actual notice to the minor or the minor's parent or

1 legal guardian, and the matter shall be referred to the chief
2 judge presiding over matters pursuant to this Act.

3 (0.3) In determining whether juvenile court records should
4 be made available for inspection and whether inspection should
5 be limited to certain parts of the file, the court shall
6 consider the minor's interest in confidentiality and
7 rehabilitation over the requesting party's interest in
8 obtaining the information. The State's Attorney, the minor,
9 and the minor's parents, guardian, and counsel shall at all
10 times have the right to examine court files and records.

11 (0.4) Any records obtained in violation of this Section
12 shall not be admissible in any criminal or civil proceeding,
13 or operate to disqualify a minor from subsequently holding
14 public office, or operate as a forfeiture of any public
15 benefit, right, privilege, or right to receive any license
16 granted by public authority.

17 (D) Pending or following any adjudication of delinquency
18 for any offense defined in Sections 11-1.20 through 11-1.60 or
19 12-13 through 12-16 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, the victim of any such offense shall
21 receive the rights set out in Sections 4 and 6 of the Bill of
22 Rights for Victims and Witnesses of Violent Crime Act; and the
23 juvenile who is the subject of the adjudication,
24 notwithstanding any other provision of this Act, shall be
25 treated as an adult for the purpose of affording such rights to
26 the victim.

1 (E) Nothing in this Section shall affect the right of a
2 Civil Service Commission or appointing authority of the
3 federal government, or any state, county, or municipality
4 examining the character and fitness of an applicant for
5 employment with a law enforcement agency, correctional
6 institution, or fire department to ascertain whether that
7 applicant was ever adjudicated to be a delinquent minor and,
8 if so, to examine the records of disposition or evidence which
9 were made in proceedings under this Act.

10 (F) Following any adjudication of delinquency for a crime
11 which would be a felony if committed by an adult, or following
12 any adjudication of delinquency for a violation of Section
13 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the State's Attorney shall ascertain
15 whether the minor respondent is enrolled in school and, if so,
16 shall provide a copy of the dispositional order to the
17 principal or chief administrative officer of the school.
18 Access to the dispositional order shall be limited to the
19 principal or chief administrative officer of the school and
20 any school counselor designated by the principal or chief
21 administrative officer ~~him or her~~.

22 (G) Nothing contained in this Act prevents the sharing or
23 disclosure of information or records relating or pertaining to
24 juveniles subject to the provisions of the Serious Habitual
25 Offender Comprehensive Action Program when that information is
26 used to assist in the early identification and treatment of

1 habitual juvenile offenders.

2 (H) When a court hearing a proceeding under Article II of
3 this Act becomes aware that an earlier proceeding under
4 Article II had been heard in a different county, that court
5 shall request, and the court in which the earlier proceedings
6 were initiated shall transmit, an authenticated copy of the
7 juvenile court record, including all documents, petitions, and
8 orders filed and the minute orders, transcript of proceedings,
9 and docket entries of the court.

10 (I) The Clerk of the Circuit Court shall report to the
11 Illinois State Police, in the form and manner required by the
12 Illinois State Police, the final disposition of each minor who
13 has been arrested or taken into custody before the minor's ~~his~~
14 ~~or her~~ 18th birthday for those offenses required to be
15 reported under Section 5 of the Criminal Identification Act.
16 Information reported to the Department under this Section may
17 be maintained with records that the Department files under
18 Section 2.1 of the Criminal Identification Act.

19 (J) The changes made to this Section by Public Act 98-61
20 apply to juvenile law enforcement records of a minor who has
21 been arrested or taken into custody on or after January 1, 2014
22 (the effective date of Public Act 98-61).

23 (K) Willful violation of this Section is a Class C
24 misdemeanor and each violation is subject to a fine of \$1,000.
25 This subsection (K) shall not apply to the person who is the
26 subject of the record.

1 (L) A person convicted of violating this Section is liable
2 for damages in the amount of \$1,000 or actual damages,
3 whichever is greater.

4 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
5 revised 10-12-21.)

6 (Text of Section after amendment by P.A. 101-652)

7 Sec. 1-8. Confidentiality and accessibility of juvenile
8 court records.

9 (A) A juvenile adjudication shall never be considered a
10 conviction nor shall an adjudicated individual be considered a
11 criminal. Unless expressly allowed by law, a juvenile
12 adjudication shall not operate to impose upon the individual
13 any of the civil disabilities ordinarily imposed by or
14 resulting from conviction. Unless expressly allowed by law,
15 adjudications shall not prejudice or disqualify the individual
16 in any civil service application or appointment, from holding
17 public office, or from receiving any license granted by public
18 authority. All juvenile court records which have not been
19 expunged are sealed and may never be disclosed to the general
20 public or otherwise made widely available. Sealed juvenile
21 court records may be obtained only under this Section and
22 Section 1-7 and Part 9 of Article V of this Act, when their use
23 is needed for good cause and with an order from the juvenile
24 court. Inspection and copying of juvenile court records
25 relating to a minor who is the subject of a proceeding under

1 this Act shall be restricted to the following:

2 (1) The minor who is the subject of record, the
3 minor's ~~his or her~~ parents, guardian, and counsel.

4 (2) Law enforcement officers and law enforcement
5 agencies when such information is essential to executing
6 an arrest or search warrant or other compulsory process,
7 or to conducting an ongoing investigation or relating to a
8 minor who has been adjudicated delinquent and there has
9 been a previous finding that the act which constitutes the
10 previous offense was committed in furtherance of criminal
11 activities by a criminal street gang.

12 Before July 1, 1994, for the purposes of this Section,
13 "criminal street gang" means any ongoing organization,
14 association, or group of 3 or more persons, whether formal
15 or informal, having as one of its primary activities the
16 commission of one or more criminal acts and that has a
17 common name or common identifying sign, symbol or specific
18 color apparel displayed, and whose members individually or
19 collectively engage in or have engaged in a pattern of
20 criminal activity.

21 Beginning July 1, 1994, for purposes of this Section,
22 "criminal street gang" has the meaning ascribed to it in
23 Section 10 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act.

25 (3) Judges, hearing officers, prosecutors, public
26 defenders, probation officers, social workers, or other

1 individuals assigned by the court to conduct a
2 pre-adjudication or pre-disposition investigation, and
3 individuals responsible for supervising or providing
4 temporary or permanent care and custody for minors under
5 the order of the juvenile court when essential to
6 performing their responsibilities.

7 (4) Judges, federal, State, and local prosecutors,
8 public defenders, probation officers, and designated
9 staff:

10 (a) in the course of a trial when institution of
11 criminal proceedings has been permitted or required
12 under Section 5-805;

13 (b) when criminal proceedings have been permitted
14 or required under Section 5-805 and a minor is the
15 subject of a proceeding to determine the conditions of
16 pretrial release;

17 (c) when criminal proceedings have been permitted
18 or required under Section 5-805 and a minor is the
19 subject of a pre-trial investigation, pre-sentence
20 investigation or fitness hearing, or proceedings on an
21 application for probation; or

22 (d) when a minor becomes 18 years of age or older,
23 and is the subject of criminal proceedings, including
24 a hearing to determine the conditions of pretrial
25 release, a pre-trial investigation, a pre-sentence
26 investigation, a fitness hearing, or proceedings on an

1 application for probation.

2 (5) Adult and Juvenile Prisoner Review Boards.

3 (6) Authorized military personnel.

4 (6.5) Employees of the federal government authorized
5 by law.

6 (7) Victims, their subrogees and legal
7 representatives; however, such persons shall have access
8 only to the name and address of the minor and information
9 pertaining to the disposition or alternative adjustment
10 plan of the juvenile court.

11 (8) Persons engaged in bona fide research, with the
12 permission of the presiding judge of the juvenile court
13 and the chief executive of the agency that prepared the
14 particular records; provided that publication of such
15 research results in no disclosure of a minor's identity
16 and protects the confidentiality of the record.

17 (9) The Secretary of State to whom the Clerk of the
18 Court shall report the disposition of all cases, as
19 required in Section 6-204 of the Illinois Vehicle Code.
20 However, information reported relative to these offenses
21 shall be privileged and available only to the Secretary of
22 State, courts, and police officers.

23 (10) The administrator of a bonafide substance abuse
24 student assistance program with the permission of the
25 presiding judge of the juvenile court.

26 (11) Mental health professionals on behalf of the

1 Department of Corrections or the Department of Human
2 Services or prosecutors who are evaluating, prosecuting,
3 or investigating a potential or actual petition brought
4 under the Sexually Violent Persons Commitment Act relating
5 to a person who is the subject of juvenile court records or
6 the respondent to a petition brought under the Sexually
7 Violent Persons Commitment Act, who is the subject of
8 juvenile court records sought. Any records and any
9 information obtained from those records under this
10 paragraph (11) may be used only in sexually violent
11 persons commitment proceedings.

12 (12) Collection agencies, contracted or otherwise
13 engaged by a governmental entity, to collect any debts due
14 and owing to the governmental entity.

15 (A-1) Findings and exclusions of paternity entered in
16 proceedings occurring under Article II of this Act shall be
17 disclosed, in a manner and form approved by the Presiding
18 Judge of the Juvenile Court, to the Department of Healthcare
19 and Family Services when necessary to discharge the duties of
20 the Department of Healthcare and Family Services under Article
21 X of the Illinois Public Aid Code.

22 (B) A minor who is the victim in a juvenile proceeding
23 shall be provided the same confidentiality regarding
24 disclosure of identity as the minor who is the subject of
25 record.

26 (C) (0.1) In cases where the records concern a pending

1 juvenile court case, the requesting party seeking to inspect
2 the juvenile court records shall provide actual notice to the
3 attorney or guardian ad litem of the minor whose records are
4 sought.

5 (0.2) In cases where the juvenile court records concern a
6 juvenile court case that is no longer pending, the requesting
7 party seeking to inspect the juvenile court records shall
8 provide actual notice to the minor or the minor's parent or
9 legal guardian, and the matter shall be referred to the chief
10 judge presiding over matters pursuant to this Act.

11 (0.3) In determining whether juvenile court records should
12 be made available for inspection and whether inspection should
13 be limited to certain parts of the file, the court shall
14 consider the minor's interest in confidentiality and
15 rehabilitation over the requesting party's interest in
16 obtaining the information. The State's Attorney, the minor,
17 and the minor's parents, guardian, and counsel shall at all
18 times have the right to examine court files and records.

19 (0.4) Any records obtained in violation of this Section
20 shall not be admissible in any criminal or civil proceeding,
21 or operate to disqualify a minor from subsequently holding
22 public office, or operate as a forfeiture of any public
23 benefit, right, privilege, or right to receive any license
24 granted by public authority.

25 (D) Pending or following any adjudication of delinquency
26 for any offense defined in Sections 11-1.20 through 11-1.60 or

1 12-13 through 12-16 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the victim of any such offense shall
3 receive the rights set out in Sections 4 and 6 of the Bill of
4 Rights for Victims and Witnesses of Violent Crime Act; and the
5 juvenile who is the subject of the adjudication,
6 notwithstanding any other provision of this Act, shall be
7 treated as an adult for the purpose of affording such rights to
8 the victim.

9 (E) Nothing in this Section shall affect the right of a
10 Civil Service Commission or appointing authority of the
11 federal government, or any state, county, or municipality
12 examining the character and fitness of an applicant for
13 employment with a law enforcement agency, correctional
14 institution, or fire department to ascertain whether that
15 applicant was ever adjudicated to be a delinquent minor and,
16 if so, to examine the records of disposition or evidence which
17 were made in proceedings under this Act.

18 (F) Following any adjudication of delinquency for a crime
19 which would be a felony if committed by an adult, or following
20 any adjudication of delinquency for a violation of Section
21 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, the State's Attorney shall ascertain
23 whether the minor respondent is enrolled in school and, if so,
24 shall provide a copy of the dispositional order to the
25 principal or chief administrative officer of the school.
26 Access to the dispositional order shall be limited to the

1 principal or chief administrative officer of the school and
2 any school counselor designated by the principal or chief
3 administrative officer ~~him or her~~.

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

10 (H) When a court hearing a proceeding under Article II of
11 this Act becomes aware that an earlier proceeding under
12 Article II had been heard in a different county, that court
13 shall request, and the court in which the earlier proceedings
14 were initiated shall transmit, an authenticated copy of the
15 juvenile court record, including all documents, petitions, and
16 orders filed and the minute orders, transcript of proceedings,
17 and docket entries of the court.

18 (I) The Clerk of the Circuit Court shall report to the
19 Illinois State Police, in the form and manner required by the
20 Illinois State Police, the final disposition of each minor who
21 has been arrested or taken into custody before the minor's ~~his~~
22 ~~or her~~ 18th birthday for those offenses required to be
23 reported under Section 5 of the Criminal Identification Act.
24 Information reported to the Department under this Section may
25 be maintained with records that the Department files under
26 Section 2.1 of the Criminal Identification Act.

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

5 (K) Willful violation of this Section is a Class C
6 misdemeanor and each violation is subject to a fine of \$1,000.
7 This subsection (K) shall not apply to the person who is the
8 subject of the record.

9 (L) A person convicted of violating this Section is liable
10 for damages in the amount of \$1,000 or actual damages,
11 whichever is greater.

12 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
13 102-538, eff. 8-20-21; revised 10-12-21.)

14 (705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

15 Sec. 1-9. Expungement of law enforcement and juvenile
16 court records.

17 (1) Expungement of law enforcement and juvenile court
18 delinquency records shall be governed by Part 9 of Article V of
19 this Act.

20 (2) This subsection (2) applies to expungement of law
21 enforcement and juvenile court records other than delinquency
22 proceedings. Whenever any person has attained the age of 18 or
23 whenever all juvenile court proceedings relating to that
24 person have been terminated, whichever is later, the person
25 may petition the court to expunge law enforcement records

1 relating to incidents occurring before the minor's ~~his~~ 18th
2 birthday or the minor's ~~his~~ juvenile court records, or both,
3 if the minor was placed under supervision pursuant to Sections
4 2-20, 3-21, or 4-18, and such order of supervision has since
5 been successfully terminated.

6 (3) The chief judge of the circuit in which an arrest was
7 made or a charge was brought or any judge of that circuit
8 designated by the chief judge may, upon verified petition of a
9 person who is the subject of an arrest or a juvenile court
10 proceeding pursuant to subsection (2) of this Section, order
11 the law enforcement records or juvenile court records, or
12 both, to be expunged from the official records of the
13 arresting authority and the clerk of the circuit court. Notice
14 of the petition shall be served upon the State's Attorney and
15 upon the arresting authority which is the subject of the
16 petition for expungement.

17 (4) The changes made to this Section by this amendatory
18 Act of the 98th General Assembly apply to law enforcement and
19 juvenile court records of a minor who has been arrested or
20 taken into custody on or after the effective date of this
21 amendatory Act.

22 (Source: P.A. 100-1162, eff. 12-20-18.)

23 (705 ILCS 405/2-1) (from Ch. 37, par. 802-1)

24 Sec. 2-1. Jurisdictional facts. Proceedings may be
25 instituted under the provisions of this Article concerning

1 minors ~~boys and girls~~ who are abused, neglected or dependent,
2 as defined in Sections 2-3 or 2-4.

3 (Source: P.A. 85-601.)

4 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

5 Sec. 2-3. Neglected or abused minor.

6 (1) Those who are neglected include:

7 (a) any minor under 18 years of age or a minor 18 years
8 of age or older for whom the court has made a finding of
9 probable cause to believe that the minor is abused,
10 neglected, or dependent under subsection (1) of Section
11 2-10 prior to the minor's 18th birthday who is not
12 receiving the proper or necessary support, education as
13 required by law, or medical or other remedial care
14 recognized under State law as necessary for a minor's
15 well-being, or other care necessary for the minor's ~~his or~~
16 ~~her~~ well-being, including adequate food, clothing and
17 shelter, or who is abandoned by the minor's ~~his or her~~
18 parent or parents or other person or persons responsible
19 for the minor's welfare, except that a minor shall not be
20 considered neglected for the sole reason that the minor's
21 parent or parents or other person or persons responsible
22 for the minor's welfare have left the minor in the care of
23 an adult relative for any period of time, who the parent or
24 parents or other person responsible for the minor's
25 welfare know is both a mentally capable adult relative and

1 physically capable adult relative, as defined by this Act;

2 or

3 (b) any minor under 18 years of age or a minor 18 years
4 of age or older for whom the court has made a finding of
5 probable cause to believe that the minor is abused,
6 neglected, or dependent under subsection (1) of Section
7 2-10 prior to the minor's 18th birthday whose environment
8 is injurious to the minor's ~~his or her~~ welfare; or

9 (c) any newborn infant whose blood, urine, or meconium
10 contains any amount of a controlled substance as defined
11 in subsection (f) of Section 102 of the Illinois
12 Controlled Substances Act, as now or hereafter amended, or
13 a metabolite of a controlled substance, with the exception
14 of controlled substances or metabolites of such
15 substances, the presence of which in the newborn infant is
16 the result of medical treatment administered to the person
17 who gave birth ~~mother~~ or the newborn infant; or

18 (d) any minor under the age of 14 years whose parent or
19 other person responsible for the minor's welfare leaves
20 the minor without supervision for an unreasonable period
21 of time without regard for the mental or physical health,
22 safety, or welfare of that minor; or

23 (e) any minor who has been provided with interim
24 crisis intervention services under Section 3-5 of this Act
25 and whose parent, guardian, or custodian refuses to permit
26 the minor to return home unless the minor is an immediate

1 physical danger to the minor ~~himself, herself,~~ or others
2 living in the home.

3 Whether the minor was left without regard for the mental
4 or physical health, safety, or welfare of that minor or the
5 period of time was unreasonable shall be determined by
6 considering the following factors, including but not limited
7 to:

8 (1) the age of the minor;

9 (2) the number of minors left at the location;

10 (3) special needs of the minor, including whether the
11 minor is a person with a physical or mental disability, or
12 otherwise in need of ongoing prescribed medical treatment
13 such as periodic doses of insulin or other medications;

14 (4) the duration of time in which the minor was left
15 without supervision;

16 (5) the condition and location of the place where the
17 minor was left without supervision;

18 (6) the time of day or night when the minor was left
19 without supervision;

20 (7) the weather conditions, including whether the
21 minor was left in a location with adequate protection from
22 the natural elements such as adequate heat or light;

23 (8) the location of the parent or guardian at the time
24 the minor was left without supervision, the physical
25 distance the minor was from the parent or guardian at the
26 time the minor was without supervision;

1 (9) whether the minor's movement was restricted, or
2 the minor was otherwise locked within a room or other
3 structure;

4 (10) whether the minor was given a phone number of a
5 person or location to call in the event of an emergency and
6 whether the minor was capable of making an emergency call;

7 (11) whether there was food and other provision left
8 for the minor;

9 (12) whether any of the conduct is attributable to
10 economic hardship or illness and the parent, guardian or
11 other person having physical custody or control of the
12 child made a good faith effort to provide for the health
13 and safety of the minor;

14 (13) the age and physical and mental capabilities of
15 the person or persons who provided supervision for the
16 minor;

17 (14) whether the minor was left under the supervision
18 of another person;

19 (15) any other factor that would endanger the health
20 and safety of that particular minor.

21 A minor shall not be considered neglected for the sole
22 reason that the minor has been relinquished in accordance with
23 the Abandoned Newborn Infant Protection Act.

24 (2) Those who are abused include any minor under 18 years
25 of age or a minor 18 years of age or older for whom the court
26 has made a finding of probable cause to believe that the minor

1 is abused, neglected, or dependent under subsection (1) of
2 Section 2-10 prior to the minor's 18th birthday whose parent
3 or immediate family member, or any person responsible for the
4 minor's welfare, or any person who is in the same family or
5 household as the minor, or any individual residing in the same
6 home as the minor, or a paramour of the minor's parent:

7 (i) inflicts, causes to be inflicted, or allows to be
8 inflicted upon such minor physical injury, by other than
9 accidental means, which causes death, disfigurement,
10 impairment of physical or emotional health, or loss or
11 impairment of any bodily function;

12 (ii) creates a substantial risk of physical injury to
13 such minor by other than accidental means which would be
14 likely to cause death, disfigurement, impairment of
15 emotional health, or loss or impairment of any bodily
16 function;

17 (iii) commits or allows to be committed any sex
18 offense against such minor, as such sex offenses are
19 defined in the Criminal Code of 1961 or the Criminal Code
20 of 2012, or in the Wrongs to Children Act, and extending
21 those definitions of sex offenses to include minors under
22 18 years of age;

23 (iv) commits or allows to be committed an act or acts
24 of torture upon such minor;

25 (v) inflicts excessive corporal punishment;

26 (vi) commits or allows to be committed the offense of

1 involuntary servitude, involuntary sexual servitude of a
2 minor, or trafficking in persons as defined in Section
3 10-9 of the Criminal Code of 1961 or the Criminal Code of
4 2012, upon such minor; or

5 (vii) allows, encourages or requires a minor to commit
6 any act of prostitution, as defined in the Criminal Code
7 of 1961 or the Criminal Code of 2012, and extending those
8 definitions to include minors under 18 years of age.

9 A minor shall not be considered abused for the sole reason
10 that the minor has been relinquished in accordance with the
11 Abandoned Newborn Infant Protection Act.

12 (3) This Section does not apply to a minor who would be
13 included herein solely for the purpose of qualifying for
14 financial assistance for the minor, the minor's ~~himself, his~~
15 parents, guardian or custodian.

16 (4) The changes made by this amendatory Act of the 101st
17 General Assembly apply to a case that is pending on or after
18 the effective date of this amendatory Act of the 101st General
19 Assembly.

20 (Source: P.A. 101-79, eff. 7-12-19.)

21 (705 ILCS 405/2-4) (from Ch. 37, par. 802-4)

22 Sec. 2-4. Dependent minor.

23 (1) Those who are dependent include any minor under 18
24 years of age or a minor 18 years of age or older for whom the
25 court has made a finding of probable cause to believe that the

1 minor is abused, neglected, or dependent under subsection (1)
2 of Section 2-10 prior to the minor's 18th birthday:

3 (a) who is without a parent, guardian or legal
4 custodian;

5 (b) who is without proper care because of the physical
6 or mental disability of the minor's ~~his~~ parent, guardian
7 or custodian;

8 (c) who is without proper medical or other remedial
9 care recognized under State law or other care necessary
10 for the minor's ~~his or her~~ well being through no fault,
11 neglect or lack of concern by the minor's ~~his~~ parents,
12 guardian or custodian, provided that no order may be made
13 terminating parental rights, nor may a minor be removed
14 from the custody of the minor's ~~his or her~~ parents for
15 longer than 6 months, pursuant to an adjudication as a
16 dependent minor under this subdivision (c), unless it is
17 found to be in the minor's ~~his or her~~ best interest by the
18 court or the case automatically closes as provided under
19 Section 2-31 of this Act; or

20 (d) who has a parent, guardian or legal custodian who
21 with good cause wishes to be relieved of all residual
22 parental rights and responsibilities, guardianship or
23 custody, and who desires the appointment of a guardian of
24 the person with power to consent to the adoption of the
25 minor under Section 2-29.

26 (2) This Section does not apply to a minor who would be

1 included herein solely for the purpose of qualifying for
2 financial assistance for the minor, the minor's ~~himself, his~~
3 parent or parents, guardian or custodian or to a minor solely
4 because the minor's ~~his or her~~ parent or parents or guardian
5 has left the minor for any period of time in the care of an
6 adult relative, who the parent or parents or guardian know is
7 both a mentally capable adult relative and physically capable
8 adult relative, as defined by this Act.

9 (3) The changes made by this amendatory Act of the 101st
10 General Assembly apply to a case that is pending on or after
11 the effective date of this amendatory Act of the 101st General
12 Assembly.

13 (Source: P.A. 101-79, eff. 7-12-19.)

14 (705 ILCS 405/2-4b)

15 Sec. 2-4b. Family Support Program services; hearing.

16 (a) Any minor who is placed in the custody or guardianship
17 of the Department of Children and Family Services under
18 Article II of this Act on the basis of a petition alleging that
19 the minor is dependent because the minor was left at a
20 psychiatric hospital beyond medical necessity, and for whom an
21 application for the Family Support Program was pending with
22 the Department of Healthcare and Family Services or an active
23 application was being reviewed by the Department of Healthcare
24 and Family Services at the time the petition was filed, shall
25 continue to be considered eligible for services if all other

1 eligibility criteria are met.

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

1 declined, and the minor shall no longer be eligible for Family
2 Support Services.

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

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

7 (2) for whom the court has made a finding that the
8 minor ~~he or she~~ is an abused or neglected minor under this
9 Act; or

10 (3) who is in the temporary custody of the Department
11 of Children and Family Services and the minor has been the
12 subject of an indicated allegation of abuse or neglect,
13 other than for psychiatric lockout, where a respondent was
14 the perpetrator within 5 years of the filing of the
15 pending petition.

16 (Source: P.A. 100-978, eff. 8-19-18; 101-81, eff. 7-12-19.)

17 (705 ILCS 405/2-5) (from Ch. 37, par. 802-5)

18 Sec. 2-5. Taking into custody.

19 (1) A law enforcement officer may, without a warrant, take
20 into temporary custody a minor (a) whom the officer with
21 reasonable cause believes to be a person described in Section
22 2-3 or 2-4; (b) who has been adjudged a ward of the court and
23 has escaped from any commitment ordered by the court under
24 this Act; or (c) who is found in any street or public place
25 suffering from any sickness or injury which requires care,

1 medical treatment or hospitalization.

2 (2) Whenever a petition has been filed under Section 2-13
3 and the court finds that the conduct and behavior of the minor
4 may endanger the health, person, welfare, or property of the
5 minor himself or others or that the circumstances of the
6 minor's his home environment may endanger the minor's his
7 health, person, welfare or property, a warrant may be issued
8 immediately to take the minor into custody.

9 (3) The taking of a minor into temporary custody under
10 this Section is not an arrest nor does it constitute a police
11 record.

12 (Source: P.A. 85-601.)

13 (705 ILCS 405/2-6) (from Ch. 37, par. 802-6)

14 Sec. 2-6. Duty of officer. (1) A law enforcement officer
15 who takes a minor into custody under Section 2-5 shall
16 immediately make a reasonable attempt to notify the parent or
17 other person legally responsible for the minor's care or the
18 person with whom the minor resides that the minor has been
19 taken into custody and where the minor ~~he or she~~ is being held.

20 (a) A law enforcement officer who takes a minor into
21 custody with a warrant shall without unnecessary delay take
22 the minor to the nearest juvenile police officer designated
23 for such purposes in the county of venue.

24 (b) A law enforcement officer who takes a minor into
25 custody without a warrant shall place the minor in temporary

1 protective custody and shall immediately notify the Department
2 of Children and Family Services by contacting either the
3 central register established under 7.7 of the Abused and
4 Neglected Child Reporting Act or the nearest Department of
5 Children and Family Services office. If there is reasonable
6 cause to suspect that a minor has died as a result of abuse or
7 neglect, the law enforcement officer shall immediately report
8 such suspected abuse or neglect to the appropriate medical
9 examiner or coroner.

10 (Source: P.A. 85-601.)

11 (705 ILCS 405/2-7) (from Ch. 37, par. 802-7)

12 Sec. 2-7. Temporary custody. "Temporary custody" means the
13 temporary placement of the minor out of the custody of the
14 minor's ~~his or her~~ guardian or parent, and includes the
15 following:

16 (1) "Temporary protective custody" means custody within a
17 hospital or other medical facility or a place previously
18 designated for such custody by the Department of Children and
19 Family Services, subject to review by the court, including a
20 licensed foster home, group home, or other institution.
21 However, such place shall not be a jail or other place for the
22 detention of the criminal or juvenile offenders.

23 (2) "Shelter care" means a physically unrestrictive
24 facility designated by the Department of Children and Family
25 Services or a licensed child welfare agency, or other suitable

1 place designated by the court for a minor who requires care
2 away from the minor's ~~his or her~~ home.

3 (Source: P.A. 85-601.)

4 (705 ILCS 405/2-8) (from Ch. 37, par. 802-8)

5 Sec. 2-8. Investigation; release. When a minor is
6 delivered to the court, or to the place designated by the court
7 under Section 2-7 of this Act, a probation officer or such
8 other public officer designated by the court shall immediately
9 investigate the circumstances of the minor and the facts
10 surrounding the minor ~~his or her~~ being taken into custody. The
11 minor shall be immediately released to the custody of the
12 minor's ~~his or her~~ parent, guardian, legal custodian or
13 responsible relative, unless the probation officer or such
14 other public officer designated by the court finds that
15 further temporary protective custody is necessary, as provided
16 in Section 2-7.

17 (Source: P.A. 85-601.)

18 (705 ILCS 405/2-9) (from Ch. 37, par. 802-9)

19 Sec. 2-9. Setting of temporary custody hearing; notice;
20 release.

21 (1) Unless sooner released, a minor as defined in Section
22 2-3 or 2-4 of this Act taken into temporary protective custody
23 must be brought before a judicial officer within 48 hours,
24 exclusive of Saturdays, Sundays and court-designated holidays,

1 for a temporary custody hearing to determine whether the minor
2 ~~he~~ shall be further held in custody.

3 (2) If the probation officer or such other public officer
4 designated by the court determines that the minor should be
5 retained in custody, the probation officer or such other
6 public officer designated by the court ~~he~~ shall cause a
7 petition to be filed as provided in Section 2-13 of this
8 Article, and the clerk of the court shall set the matter for
9 hearing on the temporary custody hearing calendar. When a
10 parent, guardian, custodian or responsible relative is present
11 and so requests, the temporary custody hearing shall be held
12 immediately if the court is in session, otherwise at the
13 earliest feasible time. The petitioner through counsel or such
14 other public officer designated by the court shall insure
15 notification to the minor's parent, guardian, custodian or
16 responsible relative of the time and place of the hearing by
17 the best practicable notice, allowing for oral notice in place
18 of written notice only if provision of written notice is
19 unreasonable under the circumstances.

20 (3) The minor must be released from temporary protective
21 custody at the expiration of the 48 hour period specified by
22 this Section if not brought before a judicial officer within
23 that period.

24 (Source: P.A. 87-759.)

25 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

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

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

9 (2) If the court finds that there is probable cause to
10 believe that the minor is abused, neglected or dependent, the
11 court shall state in writing the factual basis supporting its
12 finding and the minor, the minor's ~~his or her~~ parent,
13 guardian, custodian and other persons able to give relevant
14 testimony shall be examined before the court. The Department
15 of Children and Family Services shall give testimony
16 concerning indicated reports of abuse and neglect, of which
17 they are aware through the central registry, involving the
18 minor's parent, guardian or custodian. After such testimony,
19 the court may, consistent with the health, safety and best
20 interests of the minor, enter an order that the minor shall be
21 released upon the request of parent, guardian or custodian if
22 the parent, guardian or custodian appears to take custody. If
23 it is determined that a parent's, guardian's, or custodian's
24 compliance with critical services mitigates the necessity for
25 removal of the minor from the minor's ~~his or her~~ home, the
26 court may enter an Order of Protection setting forth

1 reasonable conditions of behavior that a parent, guardian, or
2 custodian must observe for a specified period of time, not to
3 exceed 12 months, without a violation; provided, however, that
4 the 12-month period shall begin anew after any violation.
5 "Custodian" includes the Department of Children and Family
6 Services, if it has been given custody of the child, or any
7 other agency of the State which has been given custody or
8 wardship of the child. If it is consistent with the health,
9 safety and best interests of the minor, the court may also
10 prescribe shelter care and order that the minor be kept in a
11 suitable place designated by the court or in a shelter care
12 facility designated by the Department of Children and Family
13 Services or a licensed child welfare agency; however, on and
14 after January 1, 2015 (the effective date of Public Act
15 98-803) and before January 1, 2017, a minor charged with a
16 criminal offense under the Criminal Code of 1961 or the
17 Criminal Code of 2012 or adjudicated delinquent shall not be
18 placed in the custody of or committed to the Department of
19 Children and Family Services by any court, except a minor less
20 than 16 years of age and committed to the Department of
21 Children and Family Services under Section 5-710 of this Act
22 or a minor for whom an independent basis of abuse, neglect, or
23 dependency exists; and on and after January 1, 2017, a minor
24 charged with a criminal offense under the Criminal Code of
25 1961 or the Criminal Code of 2012 or adjudicated delinquent
26 shall not be placed in the custody of or committed to the

1 Department of Children and Family Services by any court,
2 except a minor less than 15 years of age and committed to the
3 Department of Children and Family Services under Section 5-710
4 of this Act or a minor for whom an independent basis of abuse,
5 neglect, or dependency exists. An independent basis exists
6 when the allegations or adjudication of abuse, neglect, or
7 dependency do not arise from the same facts, incident, or
8 circumstances which give rise to a charge or adjudication of
9 delinquency.

10 In placing the minor, the Department or other agency
11 shall, to the extent compatible with the court's order, comply
12 with Section 7 of the Children and Family Services Act. In
13 determining the health, safety and best interests of the minor
14 to prescribe shelter care, the court must find that it is a
15 matter of immediate and urgent necessity for the safety and
16 protection of the minor or of the person or property of another
17 that the minor be placed in a shelter care facility or that the
18 minor ~~he or she~~ is likely to flee the jurisdiction of the
19 court, and must further find that reasonable efforts have been
20 made or that, consistent with the health, safety and best
21 interests of the minor, no efforts reasonably can be made to
22 prevent or eliminate the necessity of removal of the minor
23 from the minor's ~~his or her~~ home. The court shall require
24 documentation from the Department of Children and Family
25 Services as to the reasonable efforts that were made to
26 prevent or eliminate the necessity of removal of the minor

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

20 Where the Department of Children and Family Services
21 Guardianship Administrator is appointed as the executive
22 temporary custodian, the Department of Children and Family
23 Services shall file with the court and serve on the parties a
24 parent-child visiting plan, within 10 days, excluding weekends
25 and holidays, after the appointment. The parent-child visiting
26 plan shall set out the time and place of visits, the frequency

1 of visits, the length of visits, who shall be present at the
2 visits, and where appropriate, the minor's opportunities to
3 have telephone and mail communication with the parents.

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

1 for development of the Sibling Contact Support Plan, under
2 subsection (f) of Section 7.4 of the Children and Family
3 Services Act, and shall remain in effect until the Sibling
4 Contact Support Plan is developed.

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

1 are contrary to the child's best interests, the court shall
2 put in writing the factual basis supporting the determination
3 and enter specific findings based on the evidence. The court
4 shall enter an order for the Department to implement changes
5 to the parent-child visiting plan or sibling placement or
6 contact plan, consistent with the court's findings. At any
7 stage of proceeding, any party may by motion request the court
8 to enter any orders necessary to implement the parent-child
9 visiting plan, sibling placement or contact plan or
10 subsequently developed Sibling Contact Support Plan. Nothing
11 under this subsection (2) shall restrict the court from
12 granting discretionary authority to the Department to increase
13 opportunities for additional parent-child contacts or sibling
14 contacts, without further court orders. Nothing in this
15 subsection (2) shall restrict the Department from immediately
16 restricting or terminating parent-child contact or sibling
17 contacts, without either amending the parent-child visiting
18 plan or the sibling contact plan or obtaining a court order,
19 where the Department or its assigns reasonably believe there
20 is an immediate need to protect the child's health, safety,
21 and welfare. Such restrictions or terminations must be based
22 on available facts to the Department and its assigns when
23 viewed in light of the surrounding circumstances and shall
24 only occur on an individual case-by-case basis. The Department
25 shall file with the court and serve on the parties any
26 amendments to the plan within 10 days, excluding weekends and

1 holidays, of the change of the visitation.

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

24 Once the court finds that it is a matter of immediate and
25 urgent necessity for the protection of the minor that the
26 minor be placed in a shelter care facility, the minor shall not

1 be returned to the parent, custodian or guardian until the
2 court finds that such placement is no longer necessary for the
3 protection of the minor.

4 If the child is placed in the temporary custody of the
5 Department of Children and Family Services for the minor's ~~his~~
6 ~~or her~~ protection, the court shall admonish the parents,
7 guardian, custodian or responsible relative that the parents
8 must cooperate with the Department of Children and Family
9 Services, comply with the terms of the service plans, and
10 correct the conditions which require the child to be in care,
11 or risk termination of their parental rights. The court shall
12 ensure, by inquiring in open court of each parent, guardian,
13 custodian or responsible relative, that the parent, guardian,
14 custodian or responsible relative has had the opportunity to
15 provide the Department with all known names, addresses, and
16 telephone numbers of each of the minor's living ~~maternal and~~
17 ~~paternal~~ adult relatives, including, but not limited to,
18 grandparents, siblings of the minor's parents ~~aunts, uncles,~~
19 and siblings. The court shall advise the parents, guardian,
20 custodian or responsible relative to inform the Department if
21 additional information regarding the minor's adult relatives
22 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
 3 entered of record. The order shall expire after 10 days from
 4 the time it is issued unless before its expiration it is
 5 renewed, at a hearing upon appearance of the party respondent,
 6 or upon an affidavit of the moving party as to all diligent
 7 efforts to notify the party respondent by notice as herein
 8 prescribed. The notice prescribed shall be in writing and
 9 shall be personally delivered to the minor or the minor's
 10 attorney and to the last known address of the other person or
 11 persons entitled to notice. The notice shall also state the
 12 nature of the allegations, the nature of the order sought by
 13 the State, including whether temporary custody is sought, and
 14 the consequences of failure to appear and shall contain a
 15 notice that the parties will not be entitled to further
 16 written notices or publication notices of proceedings in this
 17 case, including the filing of an amended petition or a motion
 18 to terminate parental rights, except as required by Supreme
 19 Court Rule 11; and shall explain the right of the parties and
 20 the procedures to vacate or modify a shelter care order as
 21 provided in this Section. The notice for a shelter care
 22 hearing shall be 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
 6 remove the child or children from the responsible
 7 relative.

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

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

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

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

20 3. To present evidence concerning:

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

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

1 protecting the child other than removal).

2 c. The best interests of the child.

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

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

6 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

7 TO REHEARING ON TEMPORARY CUSTODY

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

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

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

22 3. Your signature.

23 4. Signature must be notarized.

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

1 At the rehearing, your rights are the same as at the
2 initial shelter care hearing. The enclosed notice explains
3 those rights.

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

6 1. To have a guardian ad litem appointed.

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

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

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

13 c. Their best interests.

14 3. To cross examine witnesses for other parties.

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

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

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

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

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

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

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

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

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

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

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

25 In ruling on the motion, the court shall determine whether
26 it is consistent with the health, safety and best interests of

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

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

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

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

26 (b) A party to the petition is seeking shelter care

1 for such other minor.

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

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

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

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

26 (b) the efforts to engage the respondents and adult

1 family members of the minor in decision making on behalf
2 of the minor;

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

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

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

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

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

17 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
18 revised 10-14-21.)

19 (705 ILCS 405/2-10.3)

20 Sec. 2-10.3. Access to news media.

21 (a) All youth in the custody or guardianship of the
22 Department of Children and Family Services are entitled to the
23 freedom of speech guaranteed by the First Amendment to the
24 Constitution of the United States and Section 4 of Article I of
25 the Illinois Constitution. The Department of Children and

1 Family Services and its agents and assigns shall not interfere
2 with the right of any youth in its custody or guardianship to
3 communicate with the news media if the youth chooses to do so.

4 (b) Provisions related to minors under 18. Any time the
5 news media requests to speak with a specific, identified minor
6 under 18 years of age, the Department of Children and Family
7 Services shall immediately provide notice of the news media's
8 request to the minor's attorney and guardian ad litem. The
9 notice shall include at a minimum the minor's name, the news
10 media name, and the date of the inquiry from the news media.
11 Within one business day of the news media's request, the
12 Department shall determine whether the minor wants to speak
13 with the news media, whether the minor has sufficient maturity
14 to make the minor's ~~his or her~~ own decision to communicate with
15 the news media and whether contact with the news media will
16 more likely than not cause the minor serious physical,
17 emotional, or mental harm. The Department shall provide notice
18 of its determination to the minor's attorney and guardian ad
19 litem within one business day of its determination.

20 (c) Provisions related to minors over 18. The Department
21 shall not take any action to interfere with the right of a
22 minor over 18 to speak with the news media.

23 (d) Court Review.

24 (1) Any party may file a motion seeking to enforce
25 rights under this Section.

26 (2) If the minor does not have an attorney, the court

1 shall appoint one for purposes of the motion.

2 (3) The Department shall facilitate the minor's
3 presence in court for hearings on the motion if the minor
4 wants to be present.

5 (4) The party filing the motion shall provide prior
6 notice of the hearing to the involved news media.

7 (5) Minors over 18. If the court finds that the
8 Department has interfered with the minor's right to
9 communicate with the media, the court shall enjoin any
10 further interference by the Department with the minor's
11 contacts with the news media.

12 (6) Minors under 18. The Department shall have the
13 burden of establishing by clear and convincing evidence:
14 (i) that the minor does not have sufficient maturity to
15 make the minor's ~~his or her~~ own decision to communicate
16 with the news media and that contact with the news media
17 will, more likely than not, cause the minor serious
18 physical, emotional, or mental harm; and (ii) that less
19 restrictive means are insufficient to address the minor's
20 lack of maturity or the risk of serious physical,
21 emotional, or mental harm. If the court finds by clear and
22 convincing evidence that a minor under 18 years of age
23 lacks sufficient maturity to make the minor's ~~his or her~~
24 own decision to communicate with the media and that the
25 contact with the news media will, more likely than not,
26 cause the minor serious physical, emotional, or mental

1 harm, the court may issue an order identifying the
2 specific limits that the Department may impose on the
3 minor's communication with the news media. The order shall
4 not permit the Department to prevent the minor from
5 communicating with the news media unless it determines
6 that no less restrictive means are available to address
7 the likelihood of harm to the minor.

8 (7) The court shall not impose any limitations on the
9 speech of a minor based on viewpoints the minor may
10 express or information the minor may divulge, unless it is
11 confidential information regarding third parties.

12 (8) All orders resolving motions brought under this
13 subsection shall contain written findings in support of
14 the court's ruling.

15 (e) As used in this Section, "interfere" includes, but is
16 not limited to: withholding information from a minor about a
17 news media outlet's request to speak with the minor, including
18 any contact information necessary to respond to the request;
19 preventing a minor from communicating with the news media;
20 threatening or coercing the minor in any manner; or punishing
21 or taking adverse action because of a minor's contact with the
22 news media. "Interfere" does not include:

23 (1) providing information and advice about
24 communicating with news media that is consistent with the
25 minor's age, developmental capacity and circumstances,
26 including information about the minor's right to refuse

1 particular questions, the right to condition the
2 participation upon a promise of anonymity or other privacy
3 measures, the right to refuse to speak to the news media,
4 and similar advice designed to enhance the minor's right
5 to autonomy in communicating with the news media; and

6 (2) conducting an inquiry into (i) whether a minor
7 under 18 is sufficiently mature to decide ~~for themselves~~
8 whether to communicate with the news media and (ii)
9 whether communicating with the news media will more likely
10 than not cause serious physical, emotional, or mental harm
11 to the minor under 18. The inquiry in this subsection must
12 be concluded within one business day of the request from
13 the news media.

14 (f) As used in this Section, "less restrictive means" are
15 conditions on the minor's ability to communicate with the news
16 media that mitigate the likelihood that physical, emotional,
17 or mental harm will result, and include, but are not limited
18 to:

19 (1) the news media outlet's willingness to take steps
20 to protect the minor's privacy, such as using a pseudonym
21 or limiting the use of the voice or image of a minor;

22 (2) the presence of the minor's guardian ad litem or
23 attorney or another adult of the minor's choosing, during
24 the communication with the news media; and

25 (3) providing the minor with age-appropriate media
26 literacy materials or other relevant educational material.

1 (Source: P.A. 102-615, eff. 8-27-21.)

2 (705 ILCS 405/2-11) (from Ch. 37, par. 802-11)

3 Sec. 2-11. Medical and dental treatment and care. At all
4 times during temporary custody or shelter care, the court may
5 authorize a physician, a hospital or any other appropriate
6 health care provider to provide medical, dental or surgical
7 procedures if such procedures are necessary to safeguard the
8 minor's life or health.

9 With respect to any minor for whom the Department of
10 Children and Family Services Guardianship Administrator is
11 appointed the temporary custodian, the Guardianship
12 Administrator or the Guardianship Administrator's ~~his~~ designee
13 shall be deemed the minor's legally authorized representative
14 for purposes of consenting to an HIV test and obtaining and
15 disclosing information concerning such test pursuant to the
16 AIDS Confidentiality Act and for purposes of consenting to the
17 release of information pursuant to the Illinois Sexually
18 Transmissible Disease Control Act.

19 Any person who administers an HIV test upon the consent of
20 the Department of Children and Family Services Guardianship
21 Administrator or the Guardianship Administrator's ~~his~~
22 designee, or who discloses the results of such tests to the
23 Department's Guardianship Administrator or the Guardianship
24 Administrator's ~~his~~ designee, shall have immunity from any
25 liability, civil, criminal or otherwise, that might result by

1 reason of such actions. For the purpose of any proceedings,
2 civil or criminal, the good faith of any persons required to
3 administer or disclose the results of tests, or permitted to
4 take such actions, shall be presumed.

5 (Source: P.A. 86-904.)

6 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

7 Sec. 2-13. Petition.

8 (1) Any adult person, any agency or association by its
9 representative may file, or the court on its own motion,
10 consistent with the health, safety and best interests of the
11 minor may direct the filing through the State's Attorney of a
12 petition in respect of a minor under this Act. The petition and
13 all subsequent court documents shall be entitled "In the
14 interest of, a minor".

15 (2) The petition shall be verified but the statements may
16 be made upon information and belief. It shall allege that the
17 minor is abused, neglected, or dependent, with citations to
18 the appropriate provisions of this Act, and set forth (a)
19 facts sufficient to bring the minor under Section 2-3 or 2-4
20 and to inform respondents of the cause of action, including,
21 but not limited to, a plain and concise statement of the
22 factual allegations that form the basis for the filing of the
23 petition; (b) the name, age and residence of the minor; (c) the
24 names and residences of the minor's ~~his~~ parents; (d) the name
25 and residence of the minor's ~~his~~ legal guardian or the person

1 or persons having custody or control of the minor, or of the
2 nearest known relative if no parent or guardian can be found;
3 and (e) if the minor upon whose behalf the petition is brought
4 is sheltered in custody, the date on which such temporary
5 custody was ordered by the court or the date set for a
6 temporary custody hearing. If any of the facts herein required
7 are not known by the petitioner, the petition shall so state.

8 (3) The petition must allege that it is in the best
9 interests of the minor and of the public that the minor ~~he~~ be
10 adjudged a ward of the court and may pray generally for relief
11 available under this Act. The petition need not specify any
12 proposed disposition following adjudication of wardship. The
13 petition may request that the minor remain in the custody of
14 the parent, guardian, or custodian under an Order of
15 Protection.

16 (4) If termination of parental rights and appointment of a
17 guardian of the person with power to consent to adoption of the
18 minor under Section 2-29 is sought, the petition shall so
19 state. If the petition includes this request, the prayer for
20 relief shall clearly and obviously state that the parents
21 could permanently lose their rights as a parent at this
22 hearing.

23 In addition to the foregoing, the petitioner, by motion,
24 may request the termination of parental rights and appointment
25 of a guardian of the person with power to consent to adoption
26 of the minor under Section 2-29 at any time after the entry of

1 a dispositional order under Section 2-22.

2 (4.5) (a) Unless good cause exists that filing a petition
3 to terminate parental rights is contrary to the child's best
4 interests, with respect to any minors committed to its care
5 pursuant to this Act, the Department of Children and Family
6 Services shall request the State's Attorney to file a petition
7 or motion for termination of parental rights and appointment
8 of guardian of the person with power to consent to adoption of
9 the minor under Section 2-29 if:

10 (i) a minor has been in foster care, as described in
11 subsection (b), for 15 months of the most recent 22
12 months; or

13 (ii) a minor under the age of 2 years has been
14 previously determined to be abandoned at an adjudicatory
15 hearing; or

16 (iii) the parent is criminally convicted of:

17 (A) first degree murder or second degree murder of
18 any child;

19 (B) attempt or conspiracy to commit first degree
20 murder or second degree murder of any child;

21 (C) solicitation to commit murder of any child,
22 solicitation to commit murder for hire of any child,
23 or solicitation to commit second degree murder of any
24 child;

25 (D) aggravated battery, aggravated battery of a
26 child, or felony domestic battery, any of which has

1 resulted in serious injury to the minor or a sibling of
2 the minor;

3 (E) predatory criminal sexual assault of a child;

4 (E-5) aggravated criminal sexual assault;

5 (E-10) criminal sexual abuse in violation of
6 subsection (a) of Section 11-1.50 of the Criminal Code
7 of 1961 or the Criminal Code of 2012;

8 (E-15) sexual exploitation of a child;

9 (E-20) permitting sexual abuse of a child;

10 (E-25) criminal sexual assault; or

11 (F) an offense in any other state the elements of
12 which are similar and bear a substantial relationship
13 to any of the foregoing offenses.

14 (a-1) For purposes of this subsection (4.5), good cause
15 exists in the following circumstances:

16 (i) the child is being cared for by a relative,

17 (ii) the Department has documented in the case plan a
18 compelling reason for determining that filing such
19 petition would not be in the best interests of the child,

20 (iii) the court has found within the preceding 12
21 months that the Department has failed to make reasonable
22 efforts to reunify the child and family, or

23 (iv) the parent is incarcerated, or the parent's prior
24 incarceration is a significant factor in why the child has
25 been in foster care for 15 months out of any 22-month
26 period, the parent maintains a meaningful role in the

1 child's life, and the Department has not documented
2 another reason why it would otherwise be appropriate to
3 file a petition to terminate parental rights pursuant to
4 this Section and the Adoption Act. The assessment of
5 whether an incarcerated parent maintains a meaningful role
6 in the child's life may include consideration of the
7 following:

8 (A) the child's best interest;

9 (B) the parent's expressions or acts of
10 manifesting concern for the child, such as letters,
11 telephone calls, visits, and other forms of
12 communication with the child and the impact of the
13 communication on the child;

14 (C) the parent's efforts to communicate with and
15 work with the Department for the purpose of complying
16 with the service plan and repairing, maintaining, or
17 building the parent-child relationship; or

18 (D) limitations in the parent's access to family
19 support programs, therapeutic services, visiting
20 opportunities, telephone and mail services, and
21 meaningful participation in court proceedings.

22 (b) For purposes of this subsection, the date of entering
23 foster care is defined as the earlier of:

24 (1) The date of a judicial finding at an adjudicatory
25 hearing that the child is an abused, neglected, or
26 dependent minor; or

1 (2) 60 days after the date on which the child is
2 removed from the child's ~~his or her~~ parent, guardian, or
3 legal custodian.

4 (c) (Blank).

5 (d) (Blank).

6 (5) The court shall liberally allow the petitioner to
7 amend the petition to set forth a cause of action or to add,
8 amend, or supplement factual allegations that form the basis
9 for a cause of action up until 14 days before the adjudicatory
10 hearing. The petitioner may amend the petition after that date
11 and prior to the adjudicatory hearing if the court grants
12 leave to amend upon a showing of good cause. The court may
13 allow amendment of the petition to conform with the evidence
14 at any time prior to ruling. In all cases in which the court
15 has granted leave to amend based on new evidence or new
16 allegations, the court shall permit the respondent an adequate
17 opportunity to prepare a defense to the amended petition.

18 (6) At any time before dismissal of the petition or before
19 final closing and discharge under Section 2-31, one or more
20 motions in the best interests of the minor may be filed. The
21 motion shall specify sufficient facts in support of the relief
22 requested.

23 (Source: P.A. 101-529, eff. 1-1-20.)

24 (705 ILCS 405/2-13.1)

25 Sec. 2-13.1. Early termination of reasonable efforts.

1 (1) (a) In conjunction with, or at any time subsequent to,
2 the filing of a petition on behalf of a minor in accordance
3 with Section 2-13 of this Act, the State's Attorney, the
4 guardian ad litem, or the Department of Children and Family
5 Services may file a motion requesting a finding that
6 reasonable efforts to reunify that minor with the minor's ~~his~~
7 ~~or her~~ parent or parents are no longer required and are to
8 cease.

9 (b) The court shall grant this motion with respect to a
10 parent of the minor if the court finds after a hearing that the
11 parent has:

12 (i) had ~~his or her~~ parental rights to another child of
13 the parent involuntarily terminated; or

14 (ii) been convicted of:

15 (A) first degree or second degree murder of
16 another child of the parent;

17 (B) attempt or conspiracy to commit first degree
18 or second degree murder of another child of the
19 parent;

20 (C) solicitation to commit murder of another child
21 of the parent, solicitation to commit murder for hire
22 of another child of the parent, or solicitation to
23 commit second degree murder of another child of the
24 parent;

25 (D) aggravated battery, aggravated battery of a
26 child, or felony domestic battery, any of which has

1 resulted in serious bodily injury to the minor or
2 another child of the parent; or

3 (E) an offense in any other state the elements of
4 which are similar and bear substantial relationship to
5 any of the foregoing offenses

6 unless the court sets forth in writing a compelling reason why
7 terminating reasonable efforts to reunify the minor with the
8 parent would not be in the best interests of that minor.

9 (c) The court shall also grant this motion with respect to
10 a parent of the minor if:

11 (i) after a hearing it determines that further
12 reunification services would no longer be appropriate, and

13 (ii) a dispositional hearing has already taken place.

14 (2) (a) The court shall hold a permanency hearing within
15 30 days of granting a motion pursuant to this subsection. If an
16 adjudicatory or a dispositional hearing, or both, has not
17 taken place when the court grants a motion pursuant to this
18 Section, then either or both hearings shall be held as needed
19 so that both take place on or before the date a permanency
20 hearing is held pursuant to this subsection.

21 (b) Following a permanency hearing held pursuant to
22 paragraph (a) of this subsection, the appointed custodian or
23 guardian of the minor shall make reasonable efforts to place
24 the child in accordance with the permanency plan and goal set
25 by the court, and to complete the necessary steps to locate and
26 finalize a permanent placement.

1 (Source: P.A. 90-608, eff. 6-30-98.)

2 (705 ILCS 405/2-15) (from Ch. 37, par. 802-15)

3 Sec. 2-15. Summons.

4 (1) When a petition is filed, the clerk of the court shall
5 issue a summons with a copy of the petition attached. The
6 summons shall be directed to the minor's legal guardian or
7 custodian and to each person named as a respondent in the
8 petition, except that summons need not be directed to a minor
9 respondent under 8 years of age for whom the court appoints a
10 guardian ad litem if the guardian ad litem appears on behalf of
11 the minor in any proceeding under this Act.

12 (2) The summons must contain a statement that the minor or
13 any of the respondents is entitled to have an attorney present
14 at the hearing on the petition, and that the clerk of the court
15 should be notified promptly if the minor or any other
16 respondent desires to be represented by an attorney but is
17 financially unable to employ counsel.

18 (3) The summons shall be issued under the seal of the
19 court, attested in and signed with the name of the clerk of the
20 court, dated on the day it is issued, and shall require each
21 respondent to appear and answer the petition on the date set
22 for the adjudicatory hearing. The summons shall contain a
23 notice that the parties will not be entitled to further
24 written notices or publication notices of proceedings in this
25 case, including the filing of an amended petition or a motion

1 to terminate parental rights, except as required by Supreme
2 Court Rule 11.

3 (4) The summons may be served by any county sheriff,
4 coroner or probation officer, even though the officer is the
5 petitioner. The return of the summons with endorsement of
6 service by the officer is sufficient proof thereof.

7 (5) Service of a summons and petition shall be made by: (a)
8 leaving a copy thereof with the person summoned at least 3 days
9 before the time stated therein for appearance; (b) leaving a
10 copy at the summoned person's ~~his or her~~ usual place of abode
11 with some person of the family or a person residing there, of
12 the age of 10 years or upwards, and informing that person of
13 the contents thereof, provided the officer or other person
14 making service shall also send a copy of the summons in a
15 sealed envelope with postage fully prepaid, addressed to the
16 person summoned at the person's ~~his~~ usual place of abode, at
17 least 3 days before the time stated therein for appearance; or
18 (c) leaving a copy thereof with the guardian or custodian of a
19 minor, at least 3 days before the time stated therein for
20 appearance. If the guardian or custodian is an agency of the
21 State of Illinois, proper service may be made by leaving a copy
22 of the summons and petition with any administrative employee
23 of such agency designated by such agency to accept service of
24 summons and petitions. The certificate of the officer or
25 affidavit of the person that the officer or person ~~he~~ has sent
26 the copy pursuant to this Section is sufficient proof of

1 service.

2 (6) When a parent or other person, who has signed a written
3 promise to appear and bring the minor to court or who has
4 waived or acknowledged service, fails to appear with the minor
5 on the date set by the court, a bench warrant may be issued for
6 the parent or other person, the minor, or both.

7 (7) The appearance of the minor's legal guardian or
8 custodian, or a person named as a respondent in a petition, in
9 any proceeding under this Act shall constitute a waiver of
10 service of summons and submission to the jurisdiction of the
11 court, except that the filing of a motion authorized under
12 Section 2-301 of the Code of Civil Procedure does not
13 constitute an appearance under this subsection. A copy of the
14 summons and petition shall be provided to the person at the
15 time of the person's ~~his~~ appearance.

16 (8) Notice to a parent who has appeared or been served with
17 summons personally or by certified mail, and for whom an order
18 of default has been entered on the petition for wardship and
19 has not been set aside shall be provided in accordance with
20 Supreme Court Rule 11. Notice to a parent who was served by
21 publication and for whom an order of default has been entered
22 on the petition for wardship and has not been set aside shall
23 be provided in accordance with this Section and Section 2-16.

24 (Source: P.A. 101-146, eff. 1-1-20.)

25 (705 ILCS 405/2-16) (from Ch. 37, par. 802-16)

1 Sec. 2-16. Notice by certified mail or publication.

2 (1) If service on individuals as provided in Section 2-15
3 is not made on any respondent within a reasonable time or if it
4 appears that any respondent resides outside the State, service
5 may be made by certified mail. In such case the clerk shall
6 mail the summons and a copy of the petition to that respondent
7 by certified mail marked for delivery to addressee only. The
8 court shall not proceed with the adjudicatory hearing until 5
9 days after such mailing. The regular return receipt for
10 certified mail is sufficient proof of service.

11 (2) Where a respondent's usual place of abode is not
12 known, a diligent inquiry shall be made to ascertain the
13 respondent's current and last known address. The Department of
14 Children and Family Services shall adopt rules defining the
15 requirements for conducting a diligent search to locate
16 parents of minors in the custody of the Department. If, after
17 diligent inquiry made at any time within the preceding 12
18 months, the usual place of abode cannot be reasonably
19 ascertained, or if respondent is concealing the respondent's
20 ~~his or her~~ whereabouts to avoid service of process,
21 petitioner's attorney shall file an affidavit at the office of
22 the clerk of court in which the action is pending showing that
23 respondent on due inquiry cannot be found or is concealing the
24 respondent's ~~his or her~~ whereabouts so that process cannot be
25 served. The affidavit shall state the last known address of
26 the respondent. The affidavit shall also state what efforts

1 were made to effectuate service. Within 3 days of receipt of
2 the affidavit, the clerk shall issue publication service as
3 provided below. The clerk shall also send a copy thereof by
4 mail addressed to each respondent listed in the affidavit at
5 the respondent's ~~his or her~~ last known address. The clerk of
6 the court as soon as possible shall cause publication to be
7 made once in a newspaper of general circulation in the county
8 where the action is pending. Notice by publication is not
9 required in any case when the person alleged to have legal
10 custody of the minor has been served with summons personally
11 or by certified mail, but the court may not enter any order or
12 judgment against any person who cannot be served with process
13 other than by publication unless notice by publication is
14 given or unless that person appears. When a minor has been
15 sheltered under Section 2-10 of this Act and summons has not
16 been served personally or by certified mail within 20 days
17 from the date of the order of court directing such shelter
18 care, the clerk of the court shall cause publication. Notice
19 by publication shall be substantially as follows:

20 "A, B, C, D, (here giving the names of the named
21 respondents, if any) and to All Whom It May Concern (if there
22 is any respondent under that designation):

23 Take notice that on (insert date) a petition was filed
24 under the Juvenile Court Act of 1987 by in the circuit
25 court of county entitled 'In the interest of, a
26 minor', and that in courtroom at on (insert date) at

1 the hour of, or as soon thereafter as this cause may be
 2 heard, an adjudicatory hearing will be held upon the petition
 3 to have the child declared to be a ward of the court under that
 4 Act. THE COURT HAS AUTHORITY IN THIS PROCEEDING TO TAKE FROM
 5 YOU THE CUSTODY AND GUARDIANSHIP OF THE MINOR, TO TERMINATE
 6 YOUR PARENTAL RIGHTS, AND TO APPOINT A GUARDIAN WITH POWER TO
 7 CONSENT TO ADOPTION. YOU MAY LOSE ALL PARENTAL RIGHTS TO YOUR
 8 CHILD. IF THE PETITION REQUESTS THE TERMINATION OF YOUR
 9 PARENTAL RIGHTS AND THE APPOINTMENT OF A GUARDIAN WITH POWER
 10 TO CONSENT TO ADOPTION, YOU MAY LOSE ALL PARENTAL RIGHTS TO THE
 11 CHILD. Unless you appear you will not be entitled to further
 12 written notices or publication notices of the proceedings in
 13 this case, including the filing of an amended petition or a
 14 motion to terminate parental rights.

15 Now, unless you appear at the hearing and show cause
 16 against the petition, the allegations of the petition may
 17 stand admitted as against you and each of you, and an order or
 18 judgment entered.

19
 20

Clerk

21 Dated (insert the date of publication)"

22 (3) The clerk shall also at the time of the publication of
 23 the notice send a copy thereof by mail to each of the
 24 respondents on account of whom publication is made at each of
 25 the respondents' ~~his or her~~ last known address. The

1 certificate of the clerk that the clerk ~~he or she~~ has mailed
2 the notice is evidence thereof. No other publication notice is
3 required. Every respondent notified by publication under this
4 Section must appear and answer in open court at the hearing.
5 The court may not proceed with the adjudicatory hearing until
6 10 days after service by publication on any parent, guardian
7 or legal custodian in the case of a minor described in Section
8 2-3 or 2-4.

9 (4) If it becomes necessary to change the date set for the
10 hearing in order to comply with Section 2-14 or with this
11 Section, notice of the resetting of the date must be given, by
12 certified mail or other reasonable means, to each respondent
13 who has been served with summons personally or by certified
14 mail.

15 (5) Notice to a parent who has appeared or been served with
16 summons personally or by certified mail, and for whom an order
17 of default has been entered on the petition for wardship and
18 has not been set aside shall be provided in accordance with
19 Supreme Court Rule 11. Notice to a parent who was served by
20 publication and for whom an order of default has been entered
21 on the petition for wardship and has not been set aside shall
22 be provided in accordance with this Section and Section 2-15.

23 (Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608,
24 eff. 6-30-98; 91-357, eff. 7-29-99.)

25 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

1 Sec. 2-17. Guardian ad litem.

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

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

8 (b) such petition alleges that charges alleging the
9 commission of any of the sex offenses defined in Article
10 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
11 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, have
13 been filed against a defendant in any court and that such
14 minor is the alleged victim of the acts of defendant in the
15 commission of such offense.

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

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

25 (a) no parent, guardian, custodian or relative of the
26 minor appears at the first or any subsequent hearing of

1 the case;

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

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

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

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

14 (4.5) Pursuant to Section 6b-1 of the Children and Family
15 Services Act, the Department of Children and Family Services
16 must maintain the name, electronic mail address, and telephone
17 number for each minor's court-appointed guardian ad litem and,
18 if applicable, the guardian ad litem's supervisor. The
19 Department of Children and Family Services must update this
20 contact information within 5 days of receiving notice of a
21 change. The Advocacy Office for Children and Families,
22 established pursuant to Section 5e of the Children and Family
23 Services Act, must make this contact information available to
24 the minor, current foster parent or caregiver, or caseworker,
25 if requested.

26 (5) The reasonable fees of a guardian ad litem appointed

1 under this Section shall be fixed by the court and charged to
2 the parents of the minor, to the extent they are able to pay.
3 If the parents are unable to pay those fees, they shall be paid
4 from the general fund of the county.

5 (6) A guardian ad litem appointed under this Section,
6 shall receive copies of any and all classified reports of
7 child abuse and neglect made under the Abused and Neglected
8 Child Reporting Act in which the minor who is the subject of a
9 report under the Abused and Neglected Child Reporting Act, is
10 also the minor for whom the guardian ad litem is appointed
11 under this Section.

12 (6.5) A guardian ad litem appointed under this Section or
13 attorney appointed under this Act shall receive a copy of each
14 significant event report that involves the minor no later than
15 3 days after the Department learns of an event requiring a
16 significant event report to be written, or earlier as required
17 by Department rule.

18 (7) The appointed guardian ad litem shall remain the
19 minor's guardian ad litem throughout the entire juvenile trial
20 court proceedings, including permanency hearings and
21 termination of parental rights proceedings, unless there is a
22 substitution entered by order of the court.

23 (8) The guardian ad litem or an agent of the guardian ad
24 litem shall have a minimum of one in-person contact with the
25 minor and one contact with one of the current foster parents or
26 caregivers prior to the adjudicatory hearing, and at least one

1 additional in-person contact with the child and one contact
2 with one of the current foster parents or caregivers after the
3 adjudicatory hearing but prior to the first permanency hearing
4 and one additional in-person contact with the child and one
5 contact with one of the current foster parents or caregivers
6 each subsequent year. For good cause shown, the judge may
7 excuse face-to-face interviews required in this subsection.

8 (9) In counties with a population of 100,000 or more but
9 less than 3,000,000, each guardian ad litem must successfully
10 complete a training program approved by the Department of
11 Children and Family Services. The Department of Children and
12 Family Services shall provide training materials and documents
13 to guardians ad litem who are not mandated to attend the
14 training program. The Department of Children and Family
15 Services shall develop and distribute to all guardians ad
16 litem a bibliography containing information including but not
17 limited to the juvenile court process, termination of parental
18 rights, child development, medical aspects of child abuse, and
19 the child's need for safety and permanence.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-208, eff. 7-30-21.)

21 (705 ILCS 405/2-17.1)

22 Sec. 2-17.1. Court appointed special advocate.

23 (1) The court shall appoint a special advocate upon the
24 filing of a petition under this Article or at any time during
25 the pendency of a proceeding under this Article if special

1 advocates are available. The court appointed special advocate
2 may also serve as guardian ad litem by appointment of the court
3 under Section 2-17 of this Act.

4 (1.2) In counties of populations over 3,000,000 the court
5 may appoint a special advocate upon the filing of a petition
6 under this Article or at any time during the pendency of a
7 proceeding under this Article. No special advocate shall act
8 as guardian ad litem in counties of populations over
9 3,000,000.

10 (1.5) "Court appointed special advocate" means a community
11 volunteer who:

12 (a) is 21 or older;

13 (b) shall receive training with State and nationally
14 developed standards, has been screened and trained
15 regarding child abuse and neglect, child development, and
16 juvenile court proceedings according to the standards of
17 the National CASA Association;

18 (c) is being actively supervised by a court appointed
19 special advocate program in good standing with the
20 Illinois Association of Court Appointed Special Advocates;
21 and

22 (d) has been sworn in by a circuit court judge
23 assigned to juvenile cases in the circuit court in which
24 the court appointed special advocate ~~he or she~~ wishes to
25 serve.

26 Court appointed special advocate programs shall promote

1 policies, practices, and procedures that are culturally
2 competent. As used in this Section, "cultural competency"
3 means the capacity to function in more than one culture,
4 requiring the ability to appreciate, understand, and interact
5 with members of diverse populations within the local
6 community.

7 (2) The court appointed special advocate shall:

8 (a) conduct an independent assessment to monitor the
9 facts and circumstances surrounding the case by monitoring
10 the court order;

11 (b) maintain regular and sufficient in-person contact
12 with the minor;

13 (c) submit written reports to the court regarding the
14 minor's best interests;

15 (d) advocate for timely court hearings to obtain
16 permanency for the minor;

17 (e) be notified of all administrative case reviews
18 pertaining to the minor and work with the parties'
19 attorneys, the guardian ad litem, and others assigned to
20 the minor's case to protect the minor's health, safety,
21 and best interests and insure the proper delivery of child
22 welfare services;

23 (f) attend all court hearings and other proceedings to
24 advocate for the minor's best interests;

25 (g) monitor compliance with the case plan and all
26 court orders; and

1 (h) review all court documents that relate to the
2 minor child.

3 (2.1) The court may consider, at its discretion, testimony
4 of the court appointed special advocate pertaining to the
5 well-being of the minor.

6 (2.2) Upon presentation of an order of appointment, a
7 court appointed special advocate shall have access to all
8 records and information relevant to the minor's case with
9 regard to the minor child.

10 (2.2-1) All records and information acquired, reviewed, or
11 produced by a court appointed special advocate during the
12 course of the court appointed special advocate's ~~his or her~~
13 appointment shall be deemed confidential and shall not be
14 disclosed except as ordered by the court.

15 (3) Court appointed special advocates shall serve as
16 volunteers without compensation and shall receive training
17 consistent with nationally developed standards.

18 (4) No person convicted of a criminal offense as specified
19 in Section 4.2 of the Child Care Act of 1969 and no person
20 identified as a perpetrator of an act of child abuse or neglect
21 as reflected in the Department of Children and Family Services
22 State Central Register shall serve as a court appointed
23 special advocate.

24 (5) All costs associated with the appointment and duties
25 of the court appointed special advocate shall be paid by the
26 court appointed special advocate or an organization of court

1 appointed special advocates. In no event shall the court
2 appointed special advocate be liable for any costs of services
3 provided to the child.

4 (6) The court may remove the court appointed special
5 advocate or the guardian ad litem from a case upon finding that
6 the court appointed special advocate or the guardian ad litem
7 has acted in a manner contrary to the child's best interest or
8 if the court otherwise deems continued service is unwanted or
9 unnecessary.

10 (7) In any county in which a program of court appointed
11 special advocates is in operation, the provisions of this
12 Section shall apply.

13 (8) Any court appointed special advocate acting in good
14 faith within the scope of the court appointed special
15 advocate's ~~his or her~~ appointment shall have immunity from any
16 civil or criminal liability that otherwise might result by
17 reason of the court appointed special advocate's ~~his or her~~
18 actions, except in cases of willful and wanton misconduct. For
19 the purpose of any civil or criminal proceedings, the good
20 faith of any court appointed special advocate shall be
21 presumed.

22 (Source: P.A. 102-607, eff. 1-1-22.)

23 (705 ILCS 405/2-20) (from Ch. 37, par. 802-20)

24 Sec. 2-20. Continuance under supervision.

25 (1) The court may enter an order of continuance under

1 supervision (a) upon an admission or stipulation by the
2 appropriate respondent or minor respondent of the facts
3 supporting the petition and before proceeding to findings and
4 adjudication, or after hearing the evidence at the
5 adjudicatory hearing but before noting in the minutes of
6 proceeding a finding of whether or not the minor is abused,
7 neglected or dependent; and (b) in the absence of objection
8 made in open court by the minor, the minor's ~~his~~ parent,
9 guardian, custodian, responsible relative, defense attorney or
10 the State's Attorney.

11 (2) If the minor, the minor's ~~his~~ parent, guardian,
12 custodian, responsible relative, defense attorney or the
13 State's Attorney, objects in open court to any such
14 continuance and insists upon proceeding to findings and
15 adjudication, the court shall so proceed.

16 (3) Nothing in this Section limits the power of the court
17 to order a continuance of the hearing for the production of
18 additional evidence or for any other proper reason.

19 (4) When a hearing where a minor is alleged to be abused,
20 neglected or dependent is continued pursuant to this Section,
21 the court may permit the minor to remain in the minor's ~~his~~
22 home if the court determines and makes written factual
23 findings that the minor can be cared for at home when
24 consistent with the minor's health, safety, and best
25 interests, subject to such conditions concerning the minor's
26 ~~his~~ conduct and supervision as the court may require by order.

1 (5) If a petition is filed charging a violation of a
2 condition of the continuance under supervision, the court
3 shall conduct a hearing. If the court finds that such
4 condition of supervision has not been fulfilled the court may
5 proceed to findings and adjudication and disposition. The
6 filing of a petition for violation of a condition of the
7 continuance under supervision shall toll the period of
8 continuance under supervision until the final determination of
9 the charge, and the term of the continuance under supervision
10 shall not run until the hearing and disposition of the
11 petition for violation; provided where the petition alleges
12 conduct that does not constitute a criminal offense, the
13 hearing must be held within 15 days of the filing of the
14 petition unless a delay in such hearing has been occasioned by
15 the minor, in which case the delay shall continue the tolling
16 of the period of continuance under supervision for the period
17 of such delay.

18 (Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98.)

19 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

20 Sec. 2-22. Dispositional hearing; evidence; continuance.

21 (1) At the dispositional hearing, the court shall
22 determine whether it is in the best interests of the minor and
23 the public that the minor ~~he~~ be made a ward of the court, and,
24 if the minor ~~he~~ is to be made a ward of the court, the court
25 shall determine the proper disposition best serving the

1 health, safety and interests of the minor and the public. The
2 court also shall consider the permanency goal set for the
3 minor, the nature of the service plan for the minor and the
4 services delivered and to be delivered under the plan. All
5 evidence helpful in determining these questions, including
6 oral and written reports, may be admitted and may be relied
7 upon to the extent of its probative value, even though not
8 competent for the purposes of the adjudicatory hearing.

9 (2) Once all parties respondent have been served in
10 compliance with Sections 2-15 and 2-16, no further service or
11 notice must be given to a party prior to proceeding to a
12 dispositional hearing. Before making an order of disposition
13 the court shall advise the State's Attorney, the parents,
14 guardian, custodian or responsible relative or their counsel
15 of the factual contents and the conclusions of the reports
16 prepared for the use of the court and considered by it, and
17 afford fair opportunity, if requested, to controvert them. The
18 court may order, however, that the documents containing such
19 reports need not be submitted to inspection, or that sources
20 of confidential information need not be disclosed except to
21 the attorneys for the parties. Factual contents, conclusions,
22 documents and sources disclosed by the court under this
23 paragraph shall not be further disclosed without the express
24 approval of the court pursuant to an in camera hearing.

25 (3) A record of a prior continuance under supervision
26 under Section 2-20, whether successfully completed with regard

1 to the child's health, safety and best interest, or not, is
2 admissible at the dispositional hearing.

3 (4) On its own motion or that of the State's Attorney, a
4 parent, guardian, custodian, responsible relative or counsel,
5 the court may adjourn the hearing for a reasonable period to
6 receive reports or other evidence, if the adjournment is
7 consistent with the health, safety and best interests of the
8 minor, but in no event shall continuances be granted so that
9 the dispositional hearing occurs more than 6 months after the
10 initial removal of a minor from the minor's ~~his or her~~ home. In
11 scheduling investigations and hearings, the court shall give
12 priority to proceedings in which a minor has been removed from
13 the minor's ~~his or her~~ home before an order of disposition has
14 been made.

15 (5) Unless already set by the court, at the conclusion of
16 the dispositional hearing, the court shall set the date for
17 the first permanency hearing, to be conducted under subsection
18 (2) of Section 2-28, which shall be held: (a) within 12 months
19 from the date temporary custody was taken, (b) if the parental
20 rights of both parents have been terminated in accordance with
21 the procedure described in subsection (5) of Section 2-21,
22 within 30 days of the termination of parental rights and
23 appointment of a guardian with power to consent to adoption,
24 or (c) in accordance with subsection (2) of Section 2-13.1.

25 (6) When the court declares a child to be a ward of the
26 court and awards guardianship to the Department of Children

1 and Family Services, (a) the court shall admonish the parents,
2 guardian, custodian or responsible relative that the parents
3 must cooperate with the Department of Children and Family
4 Services, comply with the terms of the service plans, and
5 correct the conditions which require the child to be in care,
6 or risk termination of their parental rights; and (b) the
7 court shall inquire of the parties of any intent to proceed
8 with termination of parental rights of a parent:

9 (A) whose identity still remains unknown;

10 (B) whose whereabouts remain unknown; or

11 (C) who was found in default at the adjudicatory
12 hearing and has not obtained an order setting aside the
13 default in accordance with Section 2-1301 of the Code of
14 Civil Procedure.

15 (Source: P.A. 92-822, eff. 8-21-02.)

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 the minor's ~~his or her~~
23 parents, guardian or legal custodian; (2) placed in
24 accordance with Section 2-27; (3) restored to the custody
25 of the parent, parents, guardian, or legal custodian,

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

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

18 However, in any case in which a minor is found by the
19 court to be neglected or abused under Section 2-3 of this
20 Act, custody of the minor shall not be restored to any
21 parent, guardian or legal custodian whose acts or
22 omissions or both have been identified, pursuant to
23 subsection (1) of Section 2-21, as forming the basis for
24 the court's finding of abuse or neglect, until such time
25 as a hearing is held on the issue of the best interests of
26 the minor and the fitness of such parent, guardian or

1 legal custodian to care for the minor without endangering
2 the minor's health or safety, and the court enters an
3 order that such parent, guardian or legal custodian is fit
4 to care for the minor.

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

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

21 (b-1) A minor between the ages of 18 and 21 may be
22 placed pursuant to Section 2-27 of this Act if (1) the
23 court has granted a supplemental petition to reinstate
24 wardship of the minor pursuant to subsection (2) of
25 Section 2-33, (2) the court has adjudicated the minor a
26 ward of the court, permitted the minor to return home

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

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

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

22 Unless the order of disposition expressly so provides, it
23 does not operate to close proceedings on the pending petition,
24 but is subject to modification, not inconsistent with Section
25 2-28, until final closing and discharge of the proceedings
26 under Section 2-31.

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

1 with the court's findings. The new service plan shall be filed
2 with the court and served on all parties within 45 days after
3 the date of the order. The court shall continue the matter
4 until the new service plan is filed. Except as authorized by
5 subsection (3.5) of this Section or authorized by law, the
6 court is not empowered under this Section to order specific
7 placements, specific services, or specific service providers
8 to be included in the service plan.

9 (3.5) If, after reviewing the evidence, including evidence
10 from the Department, the court determines that the minor's
11 current or planned placement is not necessary or appropriate
12 to facilitate achievement of the permanency goal, the court
13 shall put in writing the factual basis supporting its
14 determination and enter specific findings based on the
15 evidence. If the court finds that the minor's current or
16 planned placement is not necessary or appropriate, the court
17 may enter an order directing the Department to implement a
18 recommendation by the minor's treating clinician or a
19 clinician contracted by the Department to evaluate the minor
20 or a recommendation made by the Department. If the Department
21 places a minor in a placement under an order entered under this
22 subsection (3.5), the Department has the authority to remove
23 the minor from that placement when a change in circumstances
24 necessitates the removal to protect the minor's health,
25 safety, and best interest. If the Department determines
26 removal is necessary, the Department shall notify the parties

1 of the planned placement change in writing no later than 10
2 days prior to the implementation of its determination unless
3 remaining in the placement poses an imminent risk of harm to
4 the minor, in which case the Department shall notify the
5 parties of the placement change in writing immediately
6 following the implementation of its decision. The Department
7 shall notify others of the decision to change the minor's
8 placement as required by Department rule.

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

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

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

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

9 (Source: P.A. 101-79, eff. 7-12-19; 102-489, eff. 8-20-21.)

10 (705 ILCS 405/2-24) (from Ch. 37, par. 802-24)

11 Sec. 2-24. Protective supervision.

12 (1) If the order of disposition, following a determination
13 of the best interests of the minor, releases the minor to the
14 custody of the minor's ~~his~~ parents, guardian or legal
15 custodian, or continues the minor ~~him~~ in such custody, the
16 court may, if the health, safety and best interests of the
17 minor require, place the person having custody of the minor,
18 except for representatives of private or public agencies or
19 governmental departments, under supervision of the probation
20 office.

21 (2) An order of protective supervision may require the
22 parent to present the child for periodic medical examinations,
23 which shall include an opportunity for medical personnel to
24 speak with and examine the child outside the presence of the
25 parent. The results of the medical examinations conducted in

1 accordance with this Section shall be made available to the
2 Department, the guardian ad litem, and the court.

3 (3) Rules or orders of court shall define the terms and
4 conditions of protective supervision, which may be modified or
5 terminated when the court finds that the health, safety and
6 best interests of the minor and the public will be served
7 thereby.

8 (Source: P.A. 90-28, eff. 1-1-98.)

9 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

10 Sec. 2-25. Order of protection.

11 (1) The court may make an order of protection in
12 assistance of or as a condition of any other order authorized
13 by this Act. The order of protection shall be based on the
14 health, safety and best interests of the minor and may set
15 forth reasonable conditions of behavior to be observed for a
16 specified period. Such an order may require a person:

17 (a) to stay away from the home or the minor;

18 (b) to permit a parent to visit the minor at stated
19 periods;

20 (c) to abstain from offensive conduct against the
21 minor, the minor's ~~his~~ parent or any person to whom
22 custody of the minor is awarded;

23 (d) to give proper attention to the care of the home;

24 (e) to cooperate in good faith with an agency to which
25 custody of a minor is entrusted by the court or with an

1 agency or association to which the minor is referred by
2 the court;

3 (f) to prohibit and prevent any contact whatsoever
4 with the respondent minor by a specified individual or
5 individuals who are alleged in either a criminal or
6 juvenile proceeding to have caused injury to a respondent
7 minor or a sibling of a respondent minor;

8 (g) to refrain from acts of commission or omission
9 that tend to make the home not a proper place for the
10 minor;

11 (h) to refrain from contacting the minor and the
12 foster parents in any manner that is not specified in
13 writing in the case plan.

14 (2) The court shall enter an order of protection to
15 prohibit and prevent any contact between a respondent minor or
16 a sibling of a respondent minor and any person named in a
17 petition seeking an order of protection who has been convicted
18 of heinous battery or aggravated battery under subdivision
19 (a)(2) of Section 12-3.05, aggravated battery of a child or
20 aggravated battery under subdivision (b)(1) of Section
21 12-3.05, criminal sexual assault, aggravated criminal sexual
22 assault, predatory criminal sexual assault of a child,
23 criminal sexual abuse, or aggravated criminal sexual abuse as
24 described in the Criminal Code of 1961 or the Criminal Code of
25 2012, or has been convicted of an offense that resulted in the
26 death of a child, or has violated a previous order of

1 protection under this Section.

2 (3) When the court issues an order of protection against
3 any person as provided by this Section, the court shall direct
4 a copy of such order to the Sheriff of that county. The Sheriff
5 shall furnish a copy of the order of protection to the Illinois
6 State Police within 24 hours of receipt, in the form and manner
7 required by the Department. The Illinois State Police shall
8 maintain a complete record and index of such orders of
9 protection and make this data available to all local law
10 enforcement agencies.

11 (4) After notice and opportunity for hearing afforded to a
12 person subject to an order of protection, the order may be
13 modified or extended for a further specified period or both or
14 may be terminated if the court finds that the health, safety,
15 and best interests of the minor and the public will be served
16 thereby.

17 (5) An order of protection may be sought at any time during
18 the course of any proceeding conducted pursuant to this Act if
19 such an order is consistent with the health, safety, and best
20 interests of the minor. Any person against whom an order of
21 protection is sought may retain counsel to represent the
22 person ~~him~~ at a hearing, and has rights to be present at the
23 hearing, to be informed prior to the hearing in writing of the
24 contents of the petition seeking a protective order and of the
25 date, place and time of such hearing, and to cross examine
26 witnesses called by the petitioner and to present witnesses

1 and argument in opposition to the relief sought in the
2 petition.

3 (6) Diligent efforts shall be made by the petitioner to
4 serve any person or persons against whom any order of
5 protection is sought with written notice of the contents of
6 the petition seeking a protective order and of the date, place
7 and time at which the hearing on the petition is to be held.
8 When a protective order is being sought in conjunction with a
9 temporary custody hearing, if the court finds that the person
10 against whom the protective order is being sought has been
11 notified of the hearing or that diligent efforts have been
12 made to notify such person, the court may conduct a hearing. If
13 a protective order is sought at any time other than in
14 conjunction with a temporary custody hearing, the court may
15 not conduct a hearing on the petition in the absence of the
16 person against whom the order is sought unless the petitioner
17 has notified such person by personal service at least 3 days
18 before the hearing or has sent written notice by first class
19 mail to such person's last known address at least 5 days before
20 the hearing.

21 (7) A person against whom an order of protection is being
22 sought who is neither a parent, guardian, legal custodian or
23 responsible relative as described in Section 1-5 is not a
24 party or respondent as defined in that Section and shall not be
25 entitled to the rights provided therein. Such person does not
26 have a right to appointed counsel or to be present at any

1 hearing other than the hearing in which the order of
2 protection is being sought or a hearing directly pertaining to
3 that order. Unless the court orders otherwise, such person
4 does not have a right to inspect the court file.

5 (8) All protective orders entered under this Section shall
6 be in writing. Unless the person against whom the order was
7 obtained was present in court when the order was issued, the
8 sheriff, other law enforcement official or special process
9 server shall promptly serve that order upon that person and
10 file proof of such service, in the manner provided for service
11 of process in civil proceedings. The person against whom the
12 protective order was obtained may seek a modification of the
13 order by filing a written motion to modify the order within 7
14 days after actual receipt by the person of a copy of the order.
15 Any modification of the order granted by the court must be
16 determined to be consistent with the best interests of the
17 minor.

18 (9) If a petition is filed charging a violation of a
19 condition contained in the protective order and if the court
20 determines that this violation is of a critical service
21 necessary to the safety and welfare of the minor, the court may
22 proceed to findings and an order for temporary custody.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (705 ILCS 405/2-26) (from Ch. 37, par. 802-26)

25 Sec. 2-26. Enforcement of orders of protective supervision

1 or of protection.

2 (1) Orders of protective supervision and orders of
3 protection may be enforced by citation to show cause for
4 contempt of court by reason of any violation thereof and,
5 where protection of the welfare of the minor so requires, by
6 the issuance of a warrant to take the alleged violator into
7 custody and bring the minor ~~him~~ before the court.

8 (2) In any case where an order of protection has been
9 entered, the clerk of the court may issue to the petitioner, to
10 the minor or to any other person affected by the order a
11 certificate stating that an order of protection has been made
12 by the court concerning such persons and setting forth its
13 terms and requirements. The presentation of the certificate to
14 any peace officer authorizes the peace officer ~~him~~ to take
15 into custody a person charged with violating the terms of the
16 order of protection, to bring such person before the court
17 and, within the limits of the peace officer's ~~his~~ legal
18 authority as such peace officer, otherwise to aid in securing
19 the protection the order is intended to afford.

20 (Source: P.A. 85-601.)

21 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

22 Sec. 2-27. Placement; legal custody or guardianship.

23 (1) If the court determines and puts in writing the
24 factual basis supporting the determination of whether the
25 parents, guardian, or legal custodian of a minor adjudged a

1 ward of the court are unfit or are unable, for some reason
2 other than financial circumstances alone, to care for,
3 protect, train or discipline the minor or are unwilling to do
4 so, and that the health, safety, and best interest of the minor
5 will be jeopardized if the minor remains in the custody of the
6 minor's ~~his or her~~ parents, guardian or custodian, the court
7 may at this hearing and at any later point:

8 (a) place the minor in the custody of a suitable
9 relative or other person as legal custodian or guardian;

10 (a-5) with the approval of the Department of Children
11 and Family Services, place the minor in the subsidized
12 guardianship of a suitable relative or other person as
13 legal guardian; "subsidized guardianship" means a private
14 guardianship arrangement for children for whom the
15 permanency goals of return home and adoption have been
16 ruled out and who meet the qualifications for subsidized
17 guardianship as defined by the Department of Children and
18 Family Services in administrative rules;

19 (b) place the minor under the guardianship of a
20 probation officer;

21 (c) commit the minor to an agency for care or
22 placement, except an institution under the authority of
23 the Department of Corrections or of the Department of
24 Children and Family Services;

25 (d) on and after the effective date of this amendatory
26 Act of the 98th General Assembly and before January 1,

1 2017, commit the minor to the Department of Children and
2 Family Services for care and service; however, a minor
3 charged with a criminal offense under the Criminal Code of
4 1961 or the Criminal Code of 2012 or adjudicated
5 delinquent shall not be placed in the custody of or
6 committed to the Department of Children and Family
7 Services by any court, except (i) a minor less than 16
8 years of age and committed to the Department of Children
9 and Family Services under Section 5-710 of this Act, (ii)
10 a minor under the age of 18 for whom an independent basis
11 of abuse, neglect, or dependency exists, or (iii) a minor
12 for whom the court has granted a supplemental petition to
13 reinstate wardship pursuant to subsection (2) of Section
14 2-33 of this Act. On and after January 1, 2017, commit the
15 minor to the Department of Children and Family Services
16 for care and service; however, a minor charged with a
17 criminal offense under the Criminal Code of 1961 or the
18 Criminal Code of 2012 or adjudicated delinquent shall not
19 be placed in the custody of or committed to the Department
20 of Children and Family Services by any court, except (i) a
21 minor less than 15 years of age and committed to the
22 Department of Children and Family Services under Section
23 5-710 of this Act, (ii) a minor under the age of 18 for
24 whom an independent basis of abuse, neglect, or dependency
25 exists, or (iii) a minor for whom the court has granted a
26 supplemental petition to reinstate wardship pursuant to

1 subsection (2) of Section 2-33 of this Act. An independent
2 basis exists when the allegations or adjudication of
3 abuse, neglect, or dependency do not arise from the same
4 facts, incident, or circumstances which give rise to a
5 charge or adjudication of delinquency. The Department
6 shall be given due notice of the pendency of the action and
7 the Guardianship Administrator of the Department of
8 Children and Family Services shall be appointed guardian
9 of the person of the minor. Whenever the Department seeks
10 to discharge a minor from its care and service, the
11 Guardianship Administrator shall petition the court for an
12 order terminating guardianship. The Guardianship
13 Administrator may designate one or more other officers of
14 the Department, appointed as Department officers by
15 administrative order of the Department Director,
16 authorized to affix the signature of the Guardianship
17 Administrator to documents affecting the guardian-ward
18 relationship of children for whom the Guardianship
19 Administrator ~~he or she~~ has been appointed guardian at
20 such times as the Guardianship Administrator ~~he or she~~ is
21 unable to perform the duties of the Guardianship
22 Administrator ~~his or her~~ office. The signature
23 authorization shall include but not be limited to matters
24 of consent of marriage, enlistment in the armed forces,
25 legal proceedings, adoption, major medical and surgical
26 treatment and application for driver's license. Signature

1 authorizations made pursuant to the provisions of this
2 paragraph shall be filed with the Secretary of State and
3 the Secretary of State shall provide upon payment of the
4 customary fee, certified copies of the authorization to
5 any court or individual who requests a copy.

6 (1.5) In making a determination under this Section, the
7 court shall also consider whether, based on health, safety,
8 and the best interests of the minor,

9 (a) appropriate services aimed at family preservation
10 and family reunification have been unsuccessful in
11 rectifying the conditions that have led to a finding of
12 unfitness or inability to care for, protect, train, or
13 discipline the minor, or

14 (b) no family preservation or family reunification
15 services would be appropriate,

16 and if the petition or amended petition contained an
17 allegation that the parent is an unfit person as defined in
18 subdivision (D) of Section 1 of the Adoption Act, and the order
19 of adjudication recites that parental unfitness was
20 established by clear and convincing evidence, the court shall,
21 when appropriate and in the best interest of the minor, enter
22 an order terminating parental rights and appointing a guardian
23 with power to consent to adoption in accordance with Section
24 2-29.

25 When making a placement, the court, wherever possible,
26 shall require the Department of Children and Family Services

1 to select a person holding the same religious belief as that of
2 the minor or a private agency controlled by persons of like
3 religious faith of the minor and shall require the Department
4 to otherwise comply with Section 7 of the Children and Family
5 Services Act in placing the child. In addition, whenever
6 alternative plans for placement are available, the court shall
7 ascertain and consider, to the extent appropriate in the
8 particular case, the views and preferences of the minor.

9 (2) When a minor is placed with a suitable relative or
10 other person pursuant to item (a) of subsection (1), the court
11 shall appoint the suitable relative or other person ~~him or her~~
12 the legal custodian or guardian of the person of the minor.
13 When a minor is committed to any agency, the court shall
14 appoint the proper officer or representative thereof as legal
15 custodian or guardian of the person of the minor. Legal
16 custodians and guardians of the person of the minor have the
17 respective rights and duties set forth in subsection (9) of
18 Section 1-3 except as otherwise provided by order of court;
19 but no guardian of the person may consent to adoption of the
20 minor unless that authority is conferred upon the guardian ~~him~~
21 ~~or her~~ in accordance with Section 2-29. An agency whose
22 representative is appointed guardian of the person or legal
23 custodian of the minor may place the minor in any child care
24 facility, but the facility must be licensed under the Child
25 Care Act of 1969 or have been approved by the Department of
26 Children and Family Services as meeting the standards

1 established for such licensing. No agency may place a minor
2 adjudicated under Sections 2-3 or 2-4 in a child care facility
3 unless the placement is in compliance with the rules and
4 regulations for placement under this Section promulgated by
5 the Department of Children and Family Services under Section 5
6 of the Children and Family Services Act. Like authority and
7 restrictions shall be conferred by the court upon any
8 probation officer who has been appointed guardian of the
9 person of a minor.

10 (3) No placement by any probation officer or agency whose
11 representative is appointed guardian of the person or legal
12 custodian of a minor may be made in any out of State child care
13 facility unless it complies with the Interstate Compact on the
14 Placement of Children. Placement with a parent, however, is
15 not subject to that Interstate Compact.

16 (4) The clerk of the court shall issue to the legal
17 custodian or guardian of the person a certified copy of the
18 order of court, as proof of the legal custodian's or
19 guardian's ~~his~~ authority. No other process is necessary as
20 authority for the keeping of the minor.

21 (5) Custody or guardianship granted under this Section
22 continues until the court otherwise directs, but not after the
23 minor reaches the age of 19 years except as set forth in
24 Section 2-31, or if the minor was previously committed to the
25 Department of Children and Family Services for care and
26 service and the court has granted a supplemental petition to

1 reinstate wardship pursuant to subsection (2) of Section 2-33.

2 (6) (Blank).

3 (Source: P.A. 101-79, eff. 7-12-19.)

4 (705 ILCS 405/2-27.1)

5 Sec. 2-27.1. Placement; secure child care facility.

6 (1) A minor under 18 years of age and who is subject under
7 Article II of this Act to a secure child care facility may be
8 admitted to a secure child care facility for inpatient
9 treatment upon application to the facility director if, prior
10 to admission, the facility director and the Director of the
11 Department of Children and Family Services or the Director's
12 designate find that: the minor has a mental illness or
13 emotional disturbance, including but not limited to a behavior
14 disorder, of such severity that placement in a secure child
15 care facility is necessary because in the absence of such a
16 placement, the minor is likely to endanger self or others or
17 not meet the minor's ~~his or her~~ basic needs and this placement
18 is the least restrictive alternative. Prior to admission, a
19 psychiatrist, clinical social worker, or clinical psychologist
20 who has personally examined the minor shall state in writing
21 that the minor meets the standards for admission. The
22 statement must set forth in detail the reasons for that
23 conclusion and shall indicate what alternatives to secure
24 treatment have been explored. When the minor is placed in a
25 child care facility which includes a secure child care

1 facility in addition to a less restrictive setting, and the
2 application for admission states that the minor will be
3 permanently placed in the less restrictive setting of the
4 child care facility as part of the minor's ~~his or her~~
5 permanency plan after the need for secure treatment has ended,
6 the psychiatrist, clinical social worker, or clinical
7 psychologist shall state the reasons for the minor's need to
8 be placed in secure treatment, the conditions under which the
9 minor may be placed in the less restrictive setting of the
10 facility, and the conditions under which the minor may need to
11 be returned to secure treatment.

12 (2) The application for admission under this Section shall
13 contain, in large bold-face type, a statement written in
14 simple non-technical terms of the minor's right to object and
15 the right to a hearing. A minor 12 years of age or older must
16 be given a copy of the application and the statement should be
17 explained to the minor ~~him or her~~ in an understandable manner.
18 A copy of the application shall also be given to the person who
19 executed it, the designate of the Director of the Department
20 of Children and Family Services, the minor's parent, the
21 minor's attorney, and, if the minor is 12 years of age or
22 older, 2 other persons whom the minor may designate, excluding
23 persons whose whereabouts cannot reasonably be ascertained.

24 (3) Thirty days after admission, the facility director
25 shall review the minor's record and assess the need for
26 continuing placement in a secure child care facility. When the

1 minor has been placed in a child care facility which includes a
2 secure child care facility in addition to a less restrictive
3 setting, and the application for admission states that the
4 minor will be permanently placed in the less restrictive
5 setting of the child care facility as part of the minor's ~~his~~
6 ~~or her~~ permanency plan after the need for secure treatment has
7 ended, the facility director shall review the stated reasons
8 for the minor's need to be placed in secure treatment, the
9 conditions under which the minor may be placed in the less
10 restrictive setting of the facility, and the conditions under
11 which the minor may need to be returned to secure treatment.
12 The director of the facility shall consult with the designate
13 of the Director of the Department of Children and Family
14 Services and request authorization for continuing placement of
15 the minor. Request and authorization should be noted in the
16 minor's record. Every 60 days thereafter a review shall be
17 conducted and new authorization shall be secured from the
18 designate for as long as placement continues. Failure or
19 refusal to authorize continued placement shall constitute a
20 request for the minor's discharge.

21 (4) At any time during a minor's placement in a secure
22 child care facility, an objection may be made to that
23 placement by the minor, the minor's parents (except where
24 parental rights have been terminated), the minor's guardian ad
25 litem, or the minor's attorney. When an objection is made, the
26 minor shall be discharged at the earliest appropriate time not

1 to exceed 15 days, including Saturdays, Sundays, and holidays
2 unless the objection is withdrawn in writing or unless, within
3 that time, the Director or the Director's ~~his or her~~ designate
4 files with the Court a petition for review of the admission.
5 The petition must be accompanied by a certificate signed by a
6 psychiatrist, clinical social worker, or clinical
7 psychologist. The certificate shall be based upon a personal
8 examination and shall specify that the minor has a mental
9 illness or an emotional disturbance of such severity that
10 placement in a secure facility is necessary, that the minor
11 can benefit from the placement, that a less restrictive
12 alternative is not appropriate, and that the placement is in
13 the minor's best interest.

14 (5) Upon receipt of a petition, the court shall set a
15 hearing to be held within 5 days, excluding Saturdays,
16 Sundays, and holidays. The court shall direct that notice of
17 the time and place of the hearing shall be served upon the
18 minor, the minor's ~~his or her~~ attorney and the minor's
19 guardian ad litem, the Director of the Department of Children
20 and Family Services or the Director's ~~his or her~~ designate,
21 the State's Attorney, and the attorney for the parents.

22 (6) The court shall order the minor discharged from the
23 secure child care facility if it determines that the minor
24 does not have a mental illness or emotional disturbance of
25 such severity that placement in a secure facility is
26 necessary, or if it determines that a less restrictive

1 alternative is appropriate.

2 (7) If however, the court finds that the minor does have a
3 mental illness or an emotional disturbance for which the minor
4 is likely to benefit from treatment but that a less
5 restrictive alternative is appropriate, the court shall order
6 that the Department of Children and Family Services prepare a
7 case plan for the minor which permits alternative treatment
8 which is capable of providing adequate and humane treatment in
9 the least restrictive setting that is appropriate to the
10 minor's condition and serves the minor's best interests, and
11 shall authorize the continued placement of the minor in the
12 secure child care facility. At each permanency hearing
13 conducted thereafter, the court shall determine whether the
14 minor does not have a mental illness or emotional disturbance
15 of such severity that placement in a secure facility is
16 necessary or, if a less restrictive alternative is
17 appropriate. If either of these 2 conditions are not met, the
18 court shall order the minor discharged from the secure child
19 care facility.

20 (8) Unwillingness or inability of the Department of
21 Children and Family Services to find a placement for the minor
22 shall not be grounds for the court's refusing to order
23 discharge of the minor.

24 (Source: P.A. 90-608, eff. 6-30-98.)

25 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

1 Sec. 2-28. Court review.

2 (1) The court may require any legal custodian or guardian
3 of the person appointed under this Act to report periodically
4 to the court or may cite the legal custodian or guardian ~~him~~
5 into court and require the legal custodian, guardian, ~~him~~ or
6 the legal custodian's or guardian's ~~his~~ agency~~7~~ to make a full
7 and accurate report of the ~~his or its~~ doings of the legal
8 custodian, guardian, or agency on ~~in~~ behalf of the minor. The
9 custodian or guardian, within 10 days after such citation, or
10 earlier if the court determines it to be necessary to protect
11 the health, safety, or welfare of the minor, shall make the
12 report, either in writing verified by affidavit or orally
13 under oath in open court, or otherwise as the court directs.
14 Upon the hearing of the report the court may remove the
15 custodian or guardian and appoint another in the custodian's
16 or guardian's ~~his~~ stead or restore the minor to the custody of
17 the minor's ~~his~~ parents or former guardian or custodian.
18 However, custody of the minor shall not be restored to any
19 parent, guardian, or legal custodian in any case in which the
20 minor is found to be neglected or abused under Section 2-3 or
21 dependent under Section 2-4 of this Act, unless the minor can
22 be cared for at home without endangering the minor's health or
23 safety and it is in the best interests of the minor, and if
24 such neglect, abuse, or dependency is found by the court under
25 paragraph (1) of Section 2-21 of this Act to have come about
26 due to the acts or omissions or both of such parent, guardian,

1 or legal custodian, until such time as an investigation is
2 made as provided in paragraph (5) and a hearing is held on the
3 issue of the fitness of such parent, guardian, or legal
4 custodian to care for the minor and the court enters an order
5 that such parent, guardian, or legal custodian is fit to care
6 for the minor.

7 (1.5) The public agency that is the custodian or guardian
8 of the minor shall file a written report with the court no
9 later than 15 days after a minor in the agency's care remains:

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

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

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

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

23 (1.6) Within 35 days after placing a child in its care in a
24 qualified residential treatment program, as defined by the
25 federal Social Security Act, the Department of Children and
26 Family Services shall file a written report with the court and

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

17 (1) demonstrating that on-going assessment of the
18 strengths and needs of the child continues to support the
19 determination that the child's needs cannot be met through
20 placement in a foster family home, that the placement
21 provides the most effective and appropriate level of care
22 for the child in the least restrictive, appropriate
23 environment, and that the placement is consistent with the
24 short-term and long-term permanency goal for the child, as
25 specified in the permanency plan for the child;

26 (2) documenting the specific treatment or service

1 needs that should be met for the child in the placement and
2 the length of time the child is expected to need the
3 treatment or services; and

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

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

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

13 The public agency that is the custodian or guardian of the
14 minor, or another agency responsible for the minor's care,
15 shall ensure that all parties to the permanency hearings are
16 provided a copy of the most recent service plan prepared
17 within the prior 6 months at least 14 days in advance of the
18 hearing. If not contained in the agency's service plan, the
19 agency shall also include a report setting forth (i) any
20 special physical, psychological, educational, medical,
21 emotional, or other needs of the minor or the minor's ~~his or~~
22 ~~her~~ family that are relevant to a permanency or placement
23 determination and (ii) for any minor age 16 or over, a written
24 description of the programs and services that will enable the
25 minor to prepare for independent living. If not contained in
26 the agency's service plan, the agency's report shall specify

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

18 At the permanency hearing, the court shall determine the
19 future status of the child. The court shall set one of the
20 following permanency goals:

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

23 (B) The minor will be in short-term care with a
24 continued goal to return home within a period not to
25 exceed one year, where the progress of the parent or
26 parents is substantial giving particular consideration to

1 the age and individual needs of the minor.

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

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

15 (D) Adoption, provided that parental rights have been
16 terminated or relinquished.

17 (E) The guardianship of the minor will be transferred
18 to an individual or couple on a permanent basis provided
19 that goals (A) through (D) have been deemed inappropriate
20 and not in the child's best interests. The court shall
21 confirm that the Department has discussed adoption, if
22 appropriate, and guardianship with the caregiver prior to
23 changing a goal to guardianship.

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

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

6 (G) The minor will be in substitute care because the
7 minor ~~he or she~~ cannot be provided for in a home
8 environment due to developmental disabilities or mental
9 illness or because the minor ~~he or she~~ is a danger to self
10 or others, provided that goals (A) through (D) have been
11 deemed inappropriate and not in the child's best
12 interests.

13 In selecting any permanency goal, the court shall indicate
14 in writing the reasons the goal was selected and why the
15 preceding goals were deemed inappropriate and not in the
16 child's best interest. Where the court has selected a
17 permanency goal other than (A), (B), or (B-1), the Department
18 of Children and Family Services shall not provide further
19 reunification services, except as provided in paragraph (F) of
20 this subsection (2), but shall provide services consistent
21 with the goal selected.

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

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

1 (2) The court has deemed all other permanency
2 goals inappropriate based on the child's best
3 interest;

4 (3) The court has found compelling reasons, based
5 on written documentation reviewed by the court, to
6 place the minor in continuing foster care. Compelling
7 reasons include:

8 (a) the child does not wish to be adopted or to
9 be placed in the guardianship of the minor's ~~his~~
10 ~~or her~~ relative or foster care placement;

11 (b) the child exhibits an extreme level of
12 need such that the removal of the child from the
13 minor's ~~his or her~~ placement would be detrimental
14 to the child; or

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

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

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

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

10 (1) Age of the child.

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

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

15 (4) Emotional, physical, and mental status or
16 condition of the child.

17 (5) Types of services previously offered and whether
18 or not the services were successful and, if not
19 successful, the reasons the services failed.

20 (6) Availability of services currently needed and
21 whether the services exist.

22 (7) Status of siblings of the minor.

23 The court shall consider (i) the permanency goal contained
24 in the service plan, (ii) the appropriateness of the services
25 contained in the plan and whether those services have been
26 provided, (iii) whether reasonable efforts have been made by

1 all the parties to the service plan to achieve the goal, and
2 (iv) whether the plan and goal have been achieved. All
3 evidence relevant to determining these questions, including
4 oral and written reports, may be admitted and may be relied on
5 to the extent of their probative value.

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

22 If the permanency goal is to return home, the court shall
23 make findings that identify any problems that are causing
24 continued placement of the children away from the home and
25 identify what outcomes would be considered a resolution to
26 these problems. The court shall explain to the parents that

1 these findings are based on the information that the court has
2 at that time and may be revised, should additional evidence be
3 presented to the court.

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

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

16 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
20 the 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 of the date
26 of the order. The court shall continue the matter until the new

1 service plan is filed. Except as authorized by subsection
2 (2.5) of this Section and as otherwise specifically authorized
3 by law, the court is not empowered under this Section to order
4 specific placements, specific services, or specific service
5 providers to be included in the service plan.

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

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

12 (2.5) If, after reviewing the evidence, including evidence
13 from the Department, the court determines that the minor's
14 current or planned placement is not necessary or appropriate
15 to facilitate achievement of the permanency goal, the court
16 shall put in writing the factual basis supporting its
17 determination and enter specific findings based on the
18 evidence. If the court finds that the minor's current or
19 planned placement is not necessary or appropriate, the court
20 may enter an order directing the Department to implement a
21 recommendation by the minor's treating clinician or a
22 clinician contracted by the Department to evaluate the minor
23 or a recommendation made by the Department. If the Department
24 places a minor in a placement under an order entered under this
25 subsection (2.5), the Department has the authority to remove
26 the minor from that placement when a change in circumstances

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

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

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

19 (b) If the permanency goal of the minor cannot be
20 achieved immediately, the specific reasons for continuing
21 the minor in the care of the Department of Children and
22 Family Services or other agency for short term placement,
23 and the following determinations:

24 (i) (Blank).

25 (ii) Whether the services required by the court
26 and by any service plan prepared within the prior 6

1 months have been provided and (A) if so, whether the
2 services were reasonably calculated to facilitate the
3 achievement of the permanency goal or (B) if not
4 provided, why the services were not provided.

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

15 (iv) (Blank).

16 (v) (Blank).

17 (4) The minor or any person interested in the minor may
18 apply to the court for a change in custody of the minor and the
19 appointment of a new custodian or guardian of the person or for
20 the restoration of the minor to the custody of the minor's ~~his~~
21 parents or former guardian or custodian.

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

23 (a) The Department, the minor, or the current foster
24 parent or relative caregiver seeking private guardianship
25 may file a motion for private guardianship of the minor.
26 Appointment of a guardian under this Section requires

1 approval of the court.

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

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

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

1 30 days after the receipt of the petition unless the court
2 orders otherwise. No legal custodian or guardian of the person
3 may be removed without the legal custodian's or guardian's ~~his~~
4 consent until given notice and an opportunity to be heard by
5 the court.

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

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

23 (5) Whenever a parent, guardian, or legal custodian files
24 a motion for restoration of custody of the minor, and the minor
25 was adjudicated neglected, abused, or dependent as a result of
26 physical abuse, the court shall cause to be made an

1 investigation as to whether the movant has ever been charged
2 with or convicted of any criminal offense which would indicate
3 the likelihood of any further physical abuse to the minor.
4 Evidence of such criminal convictions shall be taken into
5 account in determining whether the minor can be cared for at
6 home without endangering the minor's ~~his or her~~ health or
7 safety and fitness of the parent, guardian, or legal
8 custodian.

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

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

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

23 (Source: P.A. 101-63, eff. 10-1-19; 102-193, eff. 7-30-21;
24 102-489, eff. 8-20-21; revised 10-14-21.)

25 (705 ILCS 405/2-29) (from Ch. 37, par. 802-29)

1 Sec. 2-29. Adoption; appointment of guardian with power to
2 consent.

3 (1) With leave of the court, a minor who is the subject of
4 an abuse, neglect, or dependency petition under this Act may
5 be the subject of a petition for adoption under the Adoption
6 Act.

7 (1.1) The parent or parents of a child in whose interest a
8 petition under Section 2-13 of this Act is pending may, in the
9 manner required by the Adoption Act, (a) surrender the child
10 ~~him or her~~ for adoption to an agency legally authorized or
11 licensed to place children for adoption, (b) consent to the
12 child's ~~his or her~~ adoption, or (c) consent to the child's ~~his~~
13 ~~or her~~ adoption by a specified person or persons. Nothing in
14 this Section requires that the parent or parents execute the
15 surrender, consent, or consent to adoption by a specified
16 person in open court.

17 (2) If a petition or motion alleges and the court finds
18 that it is in the best interest of the minor that parental
19 rights be terminated and the petition or motion requests that
20 a guardian of the person be appointed and authorized to
21 consent to the adoption of the minor, the court, with the
22 consent of the parents, if living, or after finding, based
23 upon clear and convincing evidence, that a parent is an unfit
24 person as defined in Section 1 of the Adoption Act, may
25 terminate parental rights and empower the guardian of the
26 person of the minor, in the order appointing the guardian of

1 the person of the minor ~~him or her~~ as such guardian, to appear
2 in court where any proceedings for the adoption of the minor
3 may at any time be pending and to consent to the adoption. Such
4 consent is sufficient to authorize the court in the adoption
5 proceedings to enter a proper order or judgment of adoption
6 without further notice to, or consent by, the parents of the
7 minor. An order so empowering the guardian to consent to
8 adoption deprives the parents of the minor of all legal rights
9 as respects the minor and relieves them of all parental
10 responsibility for the minor ~~him or her~~, and frees the minor
11 from all obligations of maintenance and obedience to the
12 minor's ~~his or her~~ natural parents.

13 If the minor is over 14 years of age, the court may, in its
14 discretion, consider the wishes of the minor in determining
15 whether the best interests of the minor would be promoted by
16 the finding of the unfitness of a non-consenting parent.

17 (2.1) Notice to a parent who has appeared or been served
18 with summons personally or by certified mail, and for whom an
19 order of default has been entered on the petition for wardship
20 and has not been set aside shall be provided in accordance with
21 Supreme Court Rule 11. Notice to a parent who was served by
22 publication and for whom an order of default has been entered
23 on the petition for wardship and has not been set aside shall
24 be provided in accordance with Sections 2-15 and 2-16.

25 (3) Parental consent to the order terminating parental
26 rights and authorizing the guardian of the person to consent

1 to adoption of the minor must be in writing and signed in the
2 form provided in the Adoption Act, but no names of petitioners
3 for adoption need be included.

4 (4) A finding of the unfitness of a parent must be made in
5 compliance with the Adoption Act, without regard to the
6 likelihood that the child will be placed for adoption, and be
7 based upon clear and convincing evidence. Provisions of the
8 Adoption Act relating to minor parents and to mentally ill or
9 mentally deficient parents apply to proceedings under this
10 Section and any findings with respect to such parents shall be
11 based upon clear and convincing evidence.

12 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by
13 P.A. 90-443); 90-28, eff. 1-1-98; 90-443, eff. 8-16-97;
14 90-608, eff. 6-30-98.)

15 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

16 Sec. 2-31. Duration of wardship and discharge of
17 proceedings.

18 (1) All proceedings under Article II of this Act in
19 respect of any minor automatically terminate upon the minor
20 ~~his or her~~ attaining the age of 21 years.

21 (2) Whenever the court determines, and makes written
22 factual findings, that health, safety, and the best interests
23 of the minor and the public no longer require the wardship of
24 the court, the court shall order the wardship terminated and
25 all proceedings under this Act respecting that minor finally

1 closed and discharged. The court may at the same time continue
2 or terminate any custodianship or guardianship theretofore
3 ordered but the termination must be made in compliance with
4 Section 2-28. When terminating wardship under this Section, if
5 the minor is over 18 or if wardship is terminated in
6 conjunction with an order partially or completely emancipating
7 the minor in accordance with the Emancipation of Minors Act,
8 the court shall also consider the following factors, in
9 addition to the health, safety, and best interest of the minor
10 and the public: (A) the minor's wishes regarding case closure;
11 (B) the manner in which the minor will maintain independence
12 without services from the Department; (C) the minor's
13 engagement in services including placement offered by the
14 Department; (D) if the minor is not engaged, the Department's
15 efforts to engage the minor; (E) the nature of communication
16 between the minor and the Department; (F) the minor's
17 involvement in other State systems or services; (G) the
18 minor's connections with family and other community support;
19 and (H) any other factor the court deems relevant. The minor's
20 lack of cooperation with services provided by the Department
21 of Children and Family Services shall not by itself be
22 considered sufficient evidence that the minor is prepared to
23 live independently and that it is in the best interest of the
24 minor to terminate wardship. It shall not be in the minor's
25 best interest to terminate wardship of a minor over the age of
26 18 who is in the guardianship of the Department of Children and

1 Family Services if the Department has not made reasonable
2 efforts to ensure that the minor has documents necessary for
3 adult living as provided in Section 35.10 of the Children and
4 Family Services Act.

5 (3) The wardship of the minor and any custodianship or
6 guardianship respecting the minor for whom a petition was
7 filed after July 24, 1991 (the effective date of Public Act
8 87-14) automatically terminates when the minor ~~he~~ attains the
9 age of 19 years, except as set forth in subsection (1) of this
10 Section. The clerk of the court shall at that time record all
11 proceedings under this Act as finally closed and discharged
12 for that reason. The provisions of this subsection (3) become
13 inoperative on and after July 12, 2019 (the effective date of
14 Public Act 101-78).

15 (4) Notwithstanding any provision of law to the contrary,
16 the changes made by Public Act 101-78 apply to all cases that
17 are pending on or after July 12, 2019 (the effective date of
18 Public Act 101-78).

19 (Source: P.A. 101-78, eff. 7-12-19; 102-558, eff. 8-20-21.)

20 (705 ILCS 405/2-34)

21 Sec. 2-34. Motion to reinstate parental rights.

22 (1) For purposes of this subsection (1), the term "parent"
23 refers to the person or persons whose rights were terminated
24 as described in paragraph (a) of this subsection; and the term
25 "minor" means a person under the age of 21 years subject to

1 this Act for whom the Department of Children and Family
2 Services Guardianship Administrator is appointed the temporary
3 custodian or guardian.

4 A motion to reinstate parental rights may be filed only by
5 the Department of Children and Family Services or the minor
6 regarding any minor who is presently a ward of the court under
7 Article II of this Act when all the conditions set out in
8 paragraphs (a), (b), (c), (d), (e), (f), and (g) of this
9 subsection (1) are met:

10 (a) while the minor was under the jurisdiction of the
11 court under Article II of this Act, the minor's parent or
12 parents surrendered the minor for adoption to an agency
13 legally authorized to place children for adoption, or the
14 minor's parent or parents consented to the minor's ~~his or~~
15 ~~her~~ adoption, or the minor's parent or parents consented
16 to the minor's ~~his or her~~ adoption by a specified person or
17 persons, or the parent or parents' rights were terminated
18 pursuant to a finding of unfitness pursuant to Section
19 2-29 of this Act and a guardian was appointed with the
20 power to consent to adoption pursuant to Section 2-29 of
21 this Act; and

22 (b) (i) since the signing of the surrender, the
23 signing of the consent, or the unfitness finding, the
24 minor has remained a ward of the Court under Article II of
25 this Act; or

26 (ii) the minor was made a ward of the Court, the minor

1 was placed in the private guardianship of an individual or
2 individuals, and after the appointment of a private
3 guardian and a new petition alleging abuse, neglect, or
4 dependency pursuant to Section 2-3 or 2-4 is filed, and
5 the minor is again found by the court to be abused,
6 neglected or dependent; or a supplemental petition to
7 reinstate wardship is filed pursuant to Section 2-33, and
8 the court reinstates wardship; or

9 (iii) the minor was made a ward of the Court, wardship
10 was terminated after the minor was adopted, after the
11 adoption a new petition alleging abuse, neglect, or
12 dependency pursuant to Section 2-3 or 2-4 is filed, and
13 the minor is again found by the court to be abused,
14 neglected, or dependent, and either (i) the adoptive
15 parent or parents are deceased, (ii) the adoptive parent
16 or parents signed a surrender of parental rights, or (iii)
17 the parental rights of the adoptive parent or parents were
18 terminated;

19 (c) the minor is not currently in a placement likely
20 to achieve permanency;

21 (d) it is in the minor's best interest that parental
22 rights be reinstated;

23 (e) the parent named in the motion wishes parental
24 rights to be reinstated and is currently appropriate to
25 have rights reinstated;

26 (f) more than 3 years have lapsed since the signing of

1 the consent or surrender, or the entry of the order
2 appointing a guardian with the power to consent to
3 adoption;

4 (g) (i) the child is 13 years of age or older or (ii)
5 the child is the younger sibling of such child, 13 years of
6 age or older, for whom reinstatement of parental rights is
7 being sought and the younger sibling independently meets
8 the criteria set forth in paragraphs (a) through (h) of
9 this subsection; and

10 (h) if the court has previously denied a motion to
11 reinstate parental rights filed by the Department, there
12 has been a substantial change in circumstances following
13 the denial of the earlier motion.

14 (2) The motion may be filed only by the Department of
15 Children and Family Services or by the minor. Unless excused
16 by the court for good cause shown, the movant shall give notice
17 of the time and place of the hearing on the motion, in person
18 or by mail, to the parties to the juvenile court proceeding.
19 Notice shall be provided at least 14 days in advance of the
20 hearing date. The motion shall include the allegations
21 required in subsection (1) of this Section.

22 (3) Any party may file a motion to dismiss the motion with
23 prejudice on the basis that the parent has intentionally acted
24 to prevent the child from being adopted, after parental rights
25 were terminated or the parent intentionally acted to disrupt
26 the child's adoption. If the court finds by a preponderance of

1 the evidence that the parent has intentionally acted to
2 prevent the child from being adopted, after parental rights
3 were terminated or that the parent intentionally acted to
4 disrupt the child's adoption, the court shall dismiss the
5 petition with prejudice.

6 (4) The court shall not grant a motion for reinstatement
7 of parental rights unless the court finds that the motion is
8 supported by clear and convincing evidence. In ruling on a
9 motion to reinstate parental rights, the court shall make
10 findings consistent with the requirements in subsection (1) of
11 this Section. The court shall consider the reasons why the
12 child was initially brought to the attention of the court, the
13 history of the child's case as it relates to the parent seeking
14 reinstatement, and the current circumstances of the parent for
15 whom reinstatement of rights is sought. If reinstatement is
16 being considered subsequent to a finding of unfitness pursuant
17 to Section 2-29 of this Act having been entered with respect to
18 the parent whose rights are being restored, the court in
19 determining the minor's best interest shall consider, in
20 addition to the factors set forth in paragraph (4.05) of
21 Section 1-3 of this Act, the specific grounds upon which the
22 unfitness findings were made. Upon the entry of an order
23 granting a motion to reinstate parental rights, parental
24 rights of the parent named in the order shall be reinstated,
25 any previous order appointing a guardian with the power to
26 consent to adoption shall be void and with respect to the

1 parent named in the order, any consent shall be void.

2 (5) If the case is post-disposition, the court, upon the
3 entry of an order granting a motion to reinstate parental
4 rights, shall schedule the matter for a permanency hearing
5 pursuant to Section 2-28 of this Act within 45 days.

6 (6) Custody of the minor shall not be restored to the
7 parent, except by order of court pursuant to subsection (4) of
8 Section 2-28 of this Act.

9 (7) In any case involving a child over the age of 13 who
10 meets the criteria established in this Section for
11 reinstatement of parental rights, the Department of Children
12 and Family Services shall conduct an assessment of the child's
13 circumstances to assist in future planning for the child,
14 including, but not limited to a determination regarding the
15 appropriateness of filing a motion to reinstate parental
16 rights.

17 (8) (Blank).

18 (Source: P.A. 98-477, eff. 8-16-13.)

19 (705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

20 Sec. 3-1. Jurisdictional facts. Proceedings may be
21 instituted under this Article concerning minors ~~boys and girls~~
22 who require authoritative intervention as defined in Section
23 3-3, who are truant minors in need of supervision as defined in
24 Section 3-33.5, or who are minors involved in electronic
25 dissemination of indecent visual depictions in need of

1 supervision as defined in Section 3-40.

2 (Source: P.A. 96-1087, eff. 1-1-11.)

3 (705 ILCS 405/3-3) (from Ch. 37, par. 803-3)

4 Sec. 3-3. Minor requiring authoritative intervention.

5 Those requiring authoritative intervention include any minor
6 under 18 years of age (1) who is (a) absent from home without
7 consent of parent, guardian or custodian, or (b) beyond the
8 control of the minor's ~~his or her~~ parent, guardian or
9 custodian, in circumstances which constitute a substantial or
10 immediate danger to the minor's physical safety; and (2) who,
11 after being taken into limited custody for the period provided
12 for in this Section and offered interim crisis intervention
13 services, where available, refuses to return home after the
14 minor and the minor's ~~his or her~~ parent, guardian or custodian
15 cannot agree to an arrangement for an alternative voluntary
16 residential placement or to the continuation of such
17 placement. Any minor taken into limited custody for the
18 reasons specified in this Section may not be adjudicated a
19 minor requiring authoritative intervention until the following
20 number of days have elapsed from the minor ~~his or her~~ having
21 been taken into limited custody: 21 days for the first
22 instance of being taken into limited custody and 5 days for the
23 second, third, or fourth instances of being taken into limited
24 custody. For the fifth or any subsequent instance of being
25 taken into limited custody for the reasons specified in this

1 Section, the minor may be adjudicated as requiring
2 authoritative intervention without any specified period of
3 time expiring after the minor ~~his or her~~ being taken into
4 limited custody, without the minor's being offered interim
5 crisis intervention services, and without the minor's being
6 afforded an opportunity to agree to an arrangement for an
7 alternative voluntary residential placement. Notwithstanding
8 any other provision of this Section, for the first instance in
9 which a minor is taken into limited custody where one year has
10 elapsed from the last instance of the minor's ~~his~~ having been
11 taken into limited custody, the minor may not be adjudicated a
12 minor requiring authoritative intervention until 21 days have
13 passed since being taken into limited custody.

14 (Source: P.A. 85-601.)

15 (705 ILCS 405/3-4) (from Ch. 37, par. 803-4)

16 Sec. 3-4. Taking into limited custody.

17 (a) A law enforcement officer may, without a warrant, take
18 into limited custody a minor who the law enforcement officer
19 reasonably determines is (i) absent from home without consent
20 of the minor's parent, guardian or custodian, or (ii) beyond
21 the control of the minor's ~~his or her~~ parent, guardian or
22 custodian, in circumstances which constitute a substantial or
23 immediate danger to the minor's physical safety.

24 (b) A law enforcement officer who takes a minor into
25 limited custody shall (i) immediately inform the minor of the

1 reasons for such limited custody, and (ii) make a prompt,
2 reasonable effort to inform the minor's parents, guardian, or
3 custodian that the minor has been taken into limited custody
4 and where the minor is being kept.

5 (c) If the minor consents, the law enforcement officer
6 shall make a reasonable effort to transport, arrange for the
7 transportation of or otherwise release the minor to the
8 parent, guardian or custodian. Upon release of a minor who is
9 believed to need or would benefit from medical, psychological,
10 psychiatric or social services, the law enforcement officer
11 may inform the minor and the person to whom the minor is
12 released of the nature and location of appropriate services
13 and shall, if requested, assist in establishing contact
14 between the family and an agency or association providing such
15 services.

16 (d) If the law enforcement officer is unable by all
17 reasonable efforts to contact a parent, custodian, relative or
18 other responsible person; or if the person contacted lives an
19 unreasonable distance away; or if the minor refuses to be
20 taken to the minor's ~~his or her~~ home or other appropriate
21 residence; or if the officer is otherwise unable despite all
22 reasonable efforts to make arrangements for the safe release
23 of the minor taken into limited custody, the law enforcement
24 officer shall take or make reasonable arrangements for
25 transporting the minor to an agency or association providing
26 crisis intervention services, or, where appropriate, to a

1 mental health or developmental disabilities facility for
2 screening for voluntary or involuntary admission under Section
3 3-500 et seq. of the Illinois Mental Health and Developmental
4 Disabilities Code; provided that where no crisis intervention
5 services exist, the minor may be transported for services to
6 court service departments or probation departments under the
7 court's administration.

8 (e) No minor shall be involuntarily subject to limited
9 custody for more than 6 hours from the time of the minor's
10 initial contact with the law enforcement officer.

11 (f) No minor taken into limited custody shall be placed in
12 a jail, municipal lockup, detention center or secure
13 correctional facility.

14 (g) The taking of a minor into limited custody under this
15 Section is not an arrest nor does it constitute a police
16 record; and the records of law enforcement officers concerning
17 all minors taken into limited custody under this Section shall
18 be maintained separate from the records of arrest and may not
19 be inspected by or disclosed to the public except by order of
20 the court. However, such records may be disclosed to the
21 agency or association providing interim crisis intervention
22 services for the minor.

23 (h) Any law enforcement agency, juvenile officer or other
24 law enforcement officer acting reasonably and in good faith in
25 the care of a minor in limited custody shall be immune from any
26 civil or criminal liability resulting from such custody.

1 (Source: P.A. 87-1154.)

2 (705 ILCS 405/3-5) (from Ch. 37, par. 803-5)

3 Sec. 3-5. Interim crisis intervention services.

4 (a) Any minor who is taken into limited custody, or who
5 independently requests or is referred for assistance, may be
6 provided crisis intervention services by an agency or
7 association, as defined in this Act, provided the association
8 or agency staff (i) immediately investigate the circumstances
9 of the minor and the facts surrounding the minor being taken
10 into custody and promptly explain these facts and
11 circumstances to the minor, and (ii) make a reasonable effort
12 to inform the minor's parent, guardian or custodian of the
13 fact that the minor has been taken into limited custody and
14 where the minor is being kept, and (iii) if the minor consents,
15 make a reasonable effort to transport, arrange for the
16 transportation of, or otherwise release the minor to the
17 parent, guardian or custodian. Upon release of the child who
18 is believed to need or benefit from medical, psychological,
19 psychiatric or social services, the association or agency may
20 inform the minor and the person to whom the minor is released
21 of the nature and location of appropriate services and shall,
22 if requested, assist in establishing contact between the
23 family and other associations or agencies providing such
24 services. If the agency or association is unable by all
25 reasonable efforts to contact a parent, guardian or custodian,

1 or if the person contacted lives an unreasonable distance
2 away, or if the minor refuses to be taken to the minor's ~~his or~~
3 ~~her~~ home or other appropriate residence, or if the agency or
4 association is otherwise unable despite all reasonable efforts
5 to make arrangements for the safe return of the minor, the
6 minor may be taken to a temporary living arrangement which is
7 in compliance with the Child Care Act of 1969 or which is with
8 persons agreed to by the parents and the agency or
9 association.

10 (b) An agency or association is authorized to permit a
11 minor to be sheltered in a temporary living arrangement
12 provided the agency seeks to effect the minor's return home or
13 alternative living arrangements agreeable to the minor and the
14 parent, guardian or custodian as soon as practicable. No minor
15 shall be sheltered in a temporary living arrangement for more
16 than 48 hours, excluding Saturdays, Sundays, and
17 court-designated holidays, when the agency has reported the
18 minor as neglected or abused because the parent, guardian, or
19 custodian refuses to permit the child to return home, provided
20 that in all other instances the minor may be sheltered when the
21 agency obtains the consent of the parent, guardian, or
22 custodian or documents its unsuccessful efforts to obtain the
23 consent or authority of the parent, guardian, or custodian,
24 including recording the date and the staff involved in all
25 telephone calls, telegrams, letters, and personal contacts to
26 obtain the consent or authority, in which instances the minor

1 may be so sheltered for not more than 21 days. If the parent,
2 guardian or custodian refuses to permit the minor to return
3 home, and no other living arrangement agreeable to the parent,
4 guardian, or custodian can be made, and the parent, guardian,
5 or custodian has not made any other appropriate living
6 arrangement for the child, the agency may deem the minor to be
7 neglected and report the neglect to the Department of Children
8 and Family Services as provided in the Abused and Neglected
9 Child Reporting Act. The Child Protective Service Unit of the
10 Department of Children and Family Services shall begin an
11 investigation of the report within 24 hours after receiving
12 the report and shall determine whether to file a petition
13 alleging that the minor is neglected or abused as described in
14 Section 2-3 of this Act. Subject to appropriation, the
15 Department may take the minor into temporary protective
16 custody at any time after receiving the report, provided that
17 the Department shall take temporary protective custody within
18 48 hours of receiving the report if its investigation is not
19 completed. If the Department of Children and Family Services
20 determines that the minor is not a neglected minor because the
21 minor is an immediate physical danger to the minor ~~himself,~~
22 ~~herself,~~ or others living in the home, then the Department
23 shall take immediate steps to either secure the minor's
24 immediate admission to a mental health facility, arrange for
25 law enforcement authorities to take temporary custody of the
26 minor as a delinquent minor, or take other appropriate action

1 to assume protective custody in order to safeguard the minor
2 or others living in the home from immediate physical danger.

3 (c) Any agency or association or employee thereof acting
4 reasonably and in good faith in the care of a minor being
5 provided interim crisis intervention services and shelter care
6 shall be immune from any civil or criminal liability resulting
7 from such care.

8 (Source: P.A. 95-443, eff. 1-1-08.)

9 (705 ILCS 405/3-6) (from Ch. 37, par. 803-6)

10 Sec. 3-6. Alternative voluntary residential placement.

11 (a) A minor and the minor's ~~his or her~~ parent, guardian or
12 custodian may agree to an arrangement for alternative
13 voluntary residential placement, in compliance with the "Child
14 Care Act of 1969", without court order. Such placement may
15 continue as long as there is agreement.

16 (b) If the minor and the minor's ~~his or her~~ parent,
17 guardian or custodian cannot agree to an arrangement for
18 alternative voluntary residential placement in the first
19 instance, or cannot agree to the continuation of such
20 placement, and the minor refuses to return home, the minor or
21 the minor's ~~his or her~~ parent, guardian or custodian, or a
22 person properly acting at the minor's request, may file with
23 the court a petition alleging that the minor requires
24 authoritative intervention as described in Section 3-3.

25 (Source: P.A. 85-601.)

1 (705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

2 Sec. 3-7. Taking into temporary custody.

3 (1) A law enforcement officer may, without a warrant, take
4 into temporary custody a minor (a) whom the officer with
5 reasonable cause believes to be a minor requiring
6 authoritative intervention; (b) who has been adjudged a ward
7 of the court and has escaped from any commitment ordered by the
8 court under this Act; (c) who is found in any street or public
9 place suffering from any sickness or injury which requires
10 care, medical treatment or hospitalization; or (d) whom the
11 officer with reasonable cause believes to be a minor in need of
12 supervision under Section 3-40.

13 (2) Whenever a petition has been filed under Section 3-15
14 and the court finds that the conduct and behavior of the minor
15 may endanger the health, person, welfare, or property of the
16 minor himself or others or that the circumstances of the
17 minor's his home environment may endanger the minor's his
18 health, person, welfare or property, a warrant may be issued
19 immediately to take the minor into custody.

20 (3) The taking of a minor into temporary custody under
21 this Section is not an arrest nor does it constitute a police
22 record.

23 (4) No minor taken into temporary custody shall be placed
24 in a jail, municipal lockup, detention center, or secure
25 correctional facility.

1 (Source: P.A. 96-1087, eff. 1-1-11; 97-333, eff. 8-12-11.)

2 (705 ILCS 405/3-8) (from Ch. 37, par. 803-8)

3 Sec. 3-8. Duty of officer; admissions by minor.

4 (1) A law enforcement officer who takes a minor into
5 custody with a warrant shall immediately make a reasonable
6 attempt to notify the parent or other person legally
7 responsible for the minor's care or the person with whom the
8 minor resides that the minor has been taken into custody and
9 where the minor ~~he or she~~ is being held; and the officer shall
10 without unnecessary delay take the minor to the nearest
11 juvenile police officer designated for such purposes in the
12 county of venue or shall surrender the minor to a juvenile
13 police officer in the city or village where the offense is
14 alleged to have been committed.

15 The minor shall be delivered without unnecessary delay to
16 the court or to the place designated by rule or order of court
17 for the reception of minors. The court may not designate a
18 place of detention for the reception of minors, unless the
19 minor is alleged to be a person described in subsection (3) of
20 Section 5-105.

21 (2) A law enforcement officer who takes a minor into
22 custody without a warrant under Section 3-7 shall, if the
23 minor is not released, immediately make a reasonable attempt
24 to notify the parent or other person legally responsible for
25 the minor's care or the person with whom the minor resides that

1 the minor has been taken into custody and where the minor is
2 being held; and the law enforcement officer shall without
3 unnecessary delay take the minor to the nearest juvenile
4 police officer designated for such purposes in the county of
5 venue or shall surrender the minor to a juvenile police
6 officer in the city or village where the offense is alleged to
7 have been committed, or upon determining the true identity of
8 the minor, may release the minor to the parent or other person
9 legally responsible for the minor's care or the person with
10 whom the minor resides, if the minor is taken into custody for
11 an offense which would be a misdemeanor if committed by an
12 adult. If a minor is so released, the law enforcement officer
13 shall promptly notify a juvenile police officer of the
14 circumstances of the custody and release.

15 (3) The juvenile police officer may take one of the
16 following actions:

17 (a) station adjustment with release of the minor;

18 (b) station adjustment with release of the minor to a
19 parent;

20 (c) station adjustment, release of the minor to a
21 parent, and referral of the case to community services;

22 (d) station adjustment, release of the minor to a
23 parent, and referral of the case to community services
24 with informal monitoring by a juvenile police officer;

25 (e) station adjustment and release of the minor to a
26 third person pursuant to agreement of the minor and

1 parents;

2 (f) station adjustment, release of the minor to a
3 third person pursuant to agreement of the minor and
4 parents, and referral of the case to community services;

5 (g) station adjustment, release of the minor to a
6 third person pursuant to agreement of the minor and
7 parent, and referral to community services with informal
8 monitoring by a juvenile police officer;

9 (h) release of the minor to the minor's ~~his or her~~
10 parents and referral of the case to a county juvenile
11 probation officer or such other public officer designated
12 by the court;

13 (i) release of the minor to school officials of the
14 minor's ~~his~~ school during regular school hours;

15 (j) if the juvenile police officer reasonably believes
16 that there is an urgent and immediate necessity to keep
17 the minor in custody, the juvenile police officer shall
18 deliver the minor without unnecessary delay to the court
19 or to the place designated by rule or order of court for
20 the reception of minors; and

21 (k) any other appropriate action with consent of the
22 minor and a parent.

23 (Source: P.A. 90-590, eff. 1-1-99.)

24 (705 ILCS 405/3-9) (from Ch. 37, par. 803-9)

25 Sec. 3-9. Temporary custody; shelter care. Any minor taken

1 into temporary custody pursuant to this Act who requires care
2 away from the minor's ~~his or her~~ home but who does not require
3 physical restriction shall be given temporary care in a foster
4 family home or other shelter facility designated by the court.
5 In the case of a minor alleged to be a minor requiring
6 authoritative intervention, the court may order, with the
7 approval of the Department of Children and Family Services,
8 that custody of the minor be with the Department of Children
9 and Family Services for designation of temporary care as the
10 Department determines. No such child shall be ordered to the
11 Department without the approval of the Department.

12 (Source: P.A. 85-601.)

13 (705 ILCS 405/3-10) (from Ch. 37, par. 803-10)

14 Sec. 3-10. Investigation; release. When a minor is
15 delivered to the court, or to the place designated by the court
16 under Section 3-9 of this Act, a probation officer or such
17 other public officer designated by the court shall immediately
18 investigate the circumstances of the minor and the facts
19 surrounding the minor ~~his or her~~ being taken into custody. The
20 minor shall be immediately released to the custody of the
21 minor's ~~his or her~~ parent, guardian, legal custodian or
22 responsible relative, unless the probation officer or such
23 other public officer designated by the court finds that
24 further shelter care is necessary as provided in Section 3-7.
25 This Section shall in no way be construed to limit Section

1 5-905.

2 (Source: P.A. 90-590, eff. 1-1-99.)

3 (705 ILCS 405/3-11) (from Ch. 37, par. 803-11)

4 Sec. 3-11. Setting of shelter care hearing; notice;
5 release.

6 (1) Unless sooner released, a minor requiring
7 authoritative intervention, taken into temporary custody, must
8 be brought before a judicial officer within 48 hours,
9 exclusive of Saturdays, Sundays and court-designated holidays,
10 for a shelter care hearing to determine whether the minor ~~he~~
11 shall be further held in custody.

12 (2) If the probation officer or such other public officer
13 designated by the court determines that the minor should be
14 retained in custody, the probation officer or such other
15 public officer designated by the court ~~he~~ shall cause a
16 petition to be filed as provided in Section 3-15 of this Act,
17 and the clerk of the court shall set the matter for hearing on
18 the shelter care hearing calendar. When a parent, guardian,
19 custodian or responsible relative is present and so requests,
20 the shelter care hearing shall be held immediately if the
21 court is in session, otherwise at the earliest feasible time.
22 The petitioner through counsel or such other public officer
23 designated by the court shall insure notification to the
24 minor's parent, guardian, custodian or responsible relative of
25 the time and place of the hearing by the best practicable

1 notice, allowing for oral notice in place of written notice
2 only if provision of written notice is unreasonable under the
3 circumstances.

4 (3) The minor must be released from custody at the
5 expiration of the 48 hour period, if not brought before a
6 judicial officer within that period.

7 (Source: P.A. 87-759.)

8 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

9 Sec. 3-12. Shelter care hearing. At the appearance of the
10 minor before the court at the shelter care hearing, all
11 witnesses present shall be examined before the court in
12 relation to any matter connected with the allegations made in
13 the petition.

14 (1) If the court finds that there is not probable cause to
15 believe that the minor is a person requiring authoritative
16 intervention, it shall release the minor and dismiss the
17 petition.

18 (2) If the court finds that there is probable cause to
19 believe that the minor is a person requiring authoritative
20 intervention, the minor, the minor's ~~his or her~~ parent,
21 guardian, custodian and other persons able to give relevant
22 testimony shall be examined before the court. After such
23 testimony, the court may enter an order that the minor shall be
24 released upon the request of a parent, guardian or custodian
25 if the parent, guardian or custodian appears to take custody.

1 "Custodian" includes the Department of Children and Family
2 Services, if it has been given custody of the child, or any
3 other agency of the State which has been given custody or
4 wardship of the child. The Court shall require documentation
5 by representatives of the Department of Children and Family
6 Services or the probation department as to the reasonable
7 efforts that were made to prevent or eliminate the necessity
8 of removal of the minor from the minor's ~~his or her~~ home, and
9 shall consider the testimony of any person as to those
10 reasonable efforts. If the court finds that it is a matter of
11 immediate and urgent necessity for the protection of the minor
12 or of the person or property of another that the minor be
13 placed in a shelter care facility, or that the minor ~~he or she~~
14 is likely to flee the jurisdiction of the court, and further
15 finds that reasonable efforts have been made or good cause has
16 been shown why reasonable efforts cannot prevent or eliminate
17 the necessity of removal of the minor from the minor's ~~his or~~
18 ~~her~~ home, the court may prescribe shelter care and order that
19 the minor be kept in a suitable place designated by the court
20 or in a shelter care facility designated by the Department of
21 Children and Family Services or a licensed child welfare
22 agency; otherwise it shall release the minor from custody. If
23 the court prescribes shelter care, then in placing the minor,
24 the Department or other agency shall, to the extent compatible
25 with the court's order, comply with Section 7 of the Children
26 and Family Services Act. If the minor is ordered placed in a

1 shelter care facility of the Department of Children and Family
2 Services or a licensed child welfare agency, the court shall,
3 upon request of the Department or other agency, appoint the
4 Department of Children and Family Services Guardianship
5 Administrator or other appropriate agency executive temporary
6 custodian of the minor and the court may enter such other
7 orders related to the temporary custody as it deems fit and
8 proper, including the provision of services to the minor or
9 the minor's ~~his~~ family to ameliorate the causes contributing
10 to the finding of probable cause or to the finding of the
11 existence of immediate and urgent necessity. Acceptance of
12 services shall not be considered an admission of any
13 allegation in a petition made pursuant to this Act, nor may a
14 referral of services be considered as evidence in any
15 proceeding pursuant to this Act, except where the issue is
16 whether the Department has made reasonable efforts to reunite
17 the family. In making its findings that reasonable efforts
18 have been made or that good cause has been shown why reasonable
19 efforts cannot prevent or eliminate the necessity of removal
20 of the minor from the minor's ~~his or her~~ home, the court shall
21 state in writing its findings concerning the nature of the
22 services that were offered or the efforts that were made to
23 prevent removal of the child and the apparent reasons that
24 such services or efforts could not prevent the need for
25 removal. The parents, guardian, custodian, temporary custodian
26 and minor shall each be furnished a copy of such written

1 findings. The temporary custodian shall maintain a copy of the
2 court order and written findings in the case record for the
3 child.

4 The order together with the court's findings of fact and
5 support thereof shall be entered of record in the court.

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

12 (3) If prior to the shelter care hearing for a minor
13 described in Sections 2-3, 2-4, 3-3, and 4-3 the petitioner is
14 unable to serve notice on the party respondent, the shelter
15 care hearing may proceed ex parte. A shelter care order from an
16 ex parte hearing shall be endorsed with the date and hour of
17 issuance and shall be filed with the clerk's office and
18 entered of record. The order shall expire after 10 days from
19 the time it is issued unless before its expiration it is
20 renewed, at a hearing upon appearance of the party respondent,
21 or upon an affidavit of the moving party as to all diligent
22 efforts to notify the party respondent by notice as herein
23 prescribed. The notice prescribed shall be in writing and
24 shall be personally delivered to the minor or the minor's
25 attorney and to the last known address of the other person or
26 persons entitled to notice. The notice shall also state the

1 nature of the allegations, the nature of the order sought by
 2 the State, including whether temporary custody is sought, and
 3 the consequences of failure to appear; and shall explain the
 4 right of the parties and the procedures to vacate or modify a
 5 shelter care order as provided in this Section. The notice for
 6 a shelter care hearing shall be substantially as follows:

7 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

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

13
 14 and (2) that there is "immediate and urgent necessity" to
 15 remove the child or children from the responsible relative.

16 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 17 PLACEMENT of the child or children in foster care until a trial
 18 can be held. A trial may not be held for up to 90 days.

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

- 21 1. To ask the court to appoint a lawyer if they cannot
- 22 afford one.
- 23 2. To ask the court to continue the hearing to allow
- 24 them time to prepare.
- 25 3. To present evidence concerning:
- 26 a. Whether or not the child or children were

1 abused, neglected or dependent.

2 b. Whether or not there is "immediate and urgent
3 necessity" to remove the child from home (including:
4 their ability to care for the child, conditions in the
5 home, alternative means of protecting the child other
6 than removal).

7 c. The best interests of the child.

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

9 The Notice for rehearings shall be substantially as
10 follows:

11 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
12 TO REHEARING ON TEMPORARY CUSTODY

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

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

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

25 3. Your signature.

26 4. Signature must be notarized.

1 The rehearing should be scheduled within one day of your
2 filing this affidavit.

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

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

8 1. To have a guardian ad litem appointed.

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

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

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

15 c. Their best interests.

16 3. To cross examine witnesses for other parties.

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

19 (4) If the parent, guardian, legal custodian, responsible
20 relative, or counsel of the minor did not have actual notice of
21 or was not present at the shelter care hearing, the parent,
22 guardian, legal custodian, responsible relative, or counsel of
23 the minor ~~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 specified in Section 3-11, 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 to modify or vacate a temporary custody order
9 on any of the following grounds:

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

12 (b) There is a material change in the circumstances of
13 the natural family from which the minor was removed; or

14 (c) A person, 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
18 and Family Services or a child welfare agency or other
19 service provider have been successful in eliminating the
20 need for temporary custody.

21 The clerk shall set the matter for hearing not later than
22 14 days after such motion is filed. In the event that the court
23 modifies or vacates a temporary custody order but does not
24 vacate its finding of probable cause, the court may order that
25 appropriate services be continued or initiated in behalf of
26 the minor and the minor's ~~his or her~~ family.

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

5 (Source: P.A. 99-642, eff. 7-28-16; 100-159, eff. 8-18-17.)

6 (705 ILCS 405/3-14) (from Ch. 37, par. 803-14)

7 Sec. 3-14. Preliminary conferences.

8 (1) The court may authorize the probation officer to
9 confer in a preliminary conference with any person seeking to
10 file a petition under Section 3-15, the prospective
11 respondents and other interested persons concerning the
12 advisability of filing the petition, with a view to adjusting
13 suitable cases without the filing of a petition.

14 The probation officer should schedule a conference
15 promptly except where the State's Attorney insists on court
16 action or where the minor has indicated that the minor ~~he or~~
17 ~~she~~ will demand a judicial hearing and will not comply with an
18 informal adjustment.

19 (2) In any case of a minor who is in temporary custody, the
20 holding of preliminary conferences does not operate to prolong
21 temporary custody beyond the period permitted by Section 3-11.

22 (3) This Section does not authorize any probation officer
23 to compel any person to appear at any conference, produce any
24 papers, or visit any place.

25 (4) No statement made during a preliminary conference may

1 be admitted into evidence at an adjudicatory hearing or at any
2 proceeding against the minor under the criminal laws of this
3 State prior to the minor's ~~his or her~~ conviction thereunder.

4 (5) The probation officer shall promptly formulate a
5 written, non-judicial adjustment plan following the initial
6 conference.

7 (6) Non-judicial adjustment plans include but are not
8 limited to the following:

9 (a) up to 6 months informal supervision within family;

10 (b) up to 6 months informal supervision with a
11 probation officer involved;

12 (c) up to 6 months informal supervision with release
13 to a person other than parent;

14 (d) referral to special educational, counseling or
15 other rehabilitative social or educational programs;

16 (e) referral to residential treatment programs; and

17 (f) any other appropriate action with consent of the
18 minor and a parent.

19 (7) The factors to be considered by the probation officer
20 in formulating a written non-judicial adjustment plan shall be
21 the same as those limited in subsection (4) of Section 5-405.

22 (Source: P.A. 90-590, eff. 1-1-99.)

23 (705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

24 Sec. 3-15. Petition; supplemental petitions.

25 (1) Any adult person, any agency or association by its

1 representative may file, or the court on its own motion may
2 direct the filing through the State's Attorney of a petition
3 in respect to a minor under this Act. The petition and all
4 subsequent court documents shall be entitled "In the interest
5 of, a minor".

6 (2) The petition shall be verified but the statements may
7 be made upon information and belief. It shall allege that the
8 minor requires authoritative intervention or supervision and
9 set forth (a) facts sufficient to bring the minor under
10 Section 3-3, 3-33.5, or 3-40; (b) the name, age and residence
11 of the minor; (c) the names and residences of the minor's ~~his~~
12 parents; (d) the name and residence of the minor's ~~his~~ legal
13 guardian or the person or persons having custody or control of
14 the minor, or of the nearest known relative if no parent or
15 guardian can be found; and (e) if the minor upon whose behalf
16 the petition is brought is sheltered in custody, the date on
17 which shelter care was ordered by the court or the date set for
18 a shelter care hearing. If any of the facts herein required are
19 not known by the petitioner, the petition shall so state.

20 (3) The petition must allege that it is in the best
21 interests of the minor and of the public that the minor ~~he~~ be
22 adjudged a ward of the court and may pray generally for relief
23 available under this Act. The petition need not specify any
24 proposed disposition following adjudication of wardship.

25 (4) If appointment of a guardian of the person with power
26 to consent to adoption of the minor under Section 3-30 is

1 sought, the petition shall so state.

2 (5) At any time before dismissal of the petition or before
3 final closing and discharge under Section 3-32, one or more
4 supplemental petitions may be filed in respect to the same
5 minor.

6 (Source: P.A. 96-1087, eff. 1-1-11.)

7 (705 ILCS 405/3-16) (from Ch. 37, par. 803-16)

8 Sec. 3-16. Date for adjudicatory hearing.

9 (a) (Blank). ~~Until January 1, 1988:~~

10 ~~(1) When a petition has been filed alleging that the minor~~
11 ~~requires authoritative intervention, an adjudicatory hearing~~
12 ~~shall be held within 120 days. The 120 day period in which an~~
13 ~~adjudicatory hearing shall be held is tolled by: (A) delay~~
14 ~~occasioned by the minor; (B) a continuance allowed pursuant to~~
15 ~~Section 114-4 of the Code of Criminal Procedure of 1963 after a~~
16 ~~court's determination of the minor's physical incapacity for~~
17 ~~trial; or (C) an interlocutory appeal. Any such delay shall~~
18 ~~temporarily suspend for the time of the delay the period~~
19 ~~within which the adjudicatory hearing must be held. On the day~~
20 ~~of expiration of the delay, the said period shall continue at~~
21 ~~the point at which it was suspended. Where no such~~
22 ~~adjudicatory hearing is held within 120 days, the court may,~~
23 ~~on written motion of a minor's guardian ad litem, dismiss the~~
24 ~~petition with respect to such minor. Such dismissal shall be~~
25 ~~without prejudice.~~

1 ~~Where the court determines that the State exercised,~~
2 ~~without success, due diligence to obtain evidence material to~~
3 ~~the case, and that there are reasonable grounds to believe~~
4 ~~that such evidence may be obtained at a later date, the court~~
5 ~~may, upon written motion by the State, continue the matter for~~
6 ~~not more than 30 additional days.~~

7 ~~(2) In the case of a minor ordered held in shelter care,~~
8 ~~the hearing on the petition must be held within 10 judicial~~
9 ~~days from the date of the order of the court directing shelter~~
10 ~~care or the earliest possible date in compliance with the~~
11 ~~notice provisions of Sections 3-17 and 3-18 as to the~~
12 ~~eustodial parent, guardian or legal custodian, but no later~~
13 ~~than 30 judicial days from the date of the order of the court~~
14 ~~directing shelter care. Delay occasioned by the respondent~~
15 ~~shall temporarily suspend, for the time of the delay, the~~
16 ~~period within which a respondent must be tried pursuant to~~
17 ~~this Section.~~

18 ~~Upon failure to comply with the time limits specified in~~
19 ~~this subsection (a)(2), the minor shall be immediately~~
20 ~~released. The time limits specified in subsection (a)(1) shall~~
21 ~~still apply.~~

22 ~~(3) Nothing in this Section prevents the minor's exercise~~
23 ~~of his or her right to waive any time limits set forth in this~~
24 ~~Section.~~

25 ~~(b) Beginning January 1, 1988:~~ (1) (A) When a petition has
26 been filed alleging that the minor requires authoritative

1 intervention, an adjudicatory hearing shall be held within 120
2 days of a demand made by any party, except that when the court
3 determines that the State, without success, has exercised due
4 diligence to obtain evidence material to the case and that
5 there are reasonable grounds to believe that such evidence may
6 be obtained at a later date, the court may, upon motion by the
7 State, continue the adjudicatory hearing for not more than 30
8 additional days.

9 The 120 day period in which an adjudicatory hearing shall
10 be held is tolled by: (i) delay occasioned by the minor; or
11 (ii) a continuance allowed pursuant to Section 114-4 of the
12 Code of Criminal Procedure of 1963 after a court's
13 determination of the minor's physical incapacity for trial; or
14 (iii) an interlocutory appeal. Any such delay shall
15 temporarily suspend, for the time of the delay, the period
16 within which the adjudicatory hearing must be held. On the day
17 of expiration of the delay, the said period shall continue at
18 the point at which it was suspended.

19 (B) When no such adjudicatory hearing is held within the
20 time required by paragraph (b)(1)(A) of this Section, the
21 court shall, upon motion by any party, dismiss the petition
22 with prejudice.

23 (2) Without affecting the applicability of the tolling and
24 multiple prosecution provisions of paragraph (b)(1) of this
25 Section, when a petition has been filed alleging that the
26 minor requires authoritative intervention and the minor is in

1 shelter care, the adjudicatory hearing shall be held within 10
2 judicial days after the date of the order directing shelter
3 care, or the earliest possible date in compliance with the
4 notice provisions of Sections 3-17 and 3-18 as to the
5 custodial parent, guardian or legal custodian, but no later
6 than 30 judicial days from the date of the order of the court
7 directing shelter care.

8 (3) Any failure to comply with the time limits of
9 paragraph (b)(2) of this Section shall require the immediate
10 release of the minor from shelter care, and the time limits of
11 paragraph (b)(1) shall apply.

12 (4) Nothing in this Section prevents the minor or the
13 minor's parents or guardian from exercising their respective
14 rights to waive the time limits set forth in this Section.

15 (Source: P.A. 85-601.)

16 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

17 Sec. 3-17. Summons. (1) When a petition is filed, the
18 clerk of the court shall issue a summons with a copy of the
19 petition attached. The summons shall be directed to the
20 minor's legal guardian or custodian and to each person named
21 as a respondent in the petition, except that summons need not
22 be directed to a minor respondent under 8 years of age for whom
23 the court appoints a guardian ad litem if the guardian ad litem
24 appears on behalf of the minor in any proceeding under this
25 Act.

1 (2) The summons must contain a statement that the minor or
2 any of the respondents is entitled to have an attorney present
3 at the hearing on the petition, and that the clerk of the court
4 should be notified promptly if the minor or any other
5 respondent desires to be represented by an attorney but is
6 financially unable to employ counsel.

7 (3) The summons shall be issued under the seal of the
8 court, attested to and signed with the name of the clerk of the
9 court, dated on the day it is issued, and shall require each
10 respondent to appear and answer the petition on the date set
11 for the adjudicatory hearing.

12 (4) The summons may be served by any county sheriff,
13 coroner or probation officer, even though the officer is the
14 petitioner. The return of the summons with endorsement of
15 service by the officer is sufficient proof thereof.

16 (5) Service of a summons and petition shall be made by: (a)
17 leaving a copy thereof with the person summoned at least 3 days
18 before the time stated therein for appearance; (b) leaving a
19 copy at the summoned person's ~~his~~ usual place of abode with
20 some person of the family, of the age of 10 years or upwards,
21 and informing that person of the contents thereof, provided
22 the officer or other person making service shall also send a
23 copy of the summons in a sealed envelope with postage fully
24 prepaid, addressed to the person summoned at the person's ~~his~~
25 usual place of abode, at least 3 days before the time stated
26 therein for appearance; or (c) leaving a copy thereof with the

1 guardian or custodian of a minor, at least 3 days before the
2 time stated therein for appearance. If the guardian or
3 custodian is an agency of the State of Illinois, proper
4 service may be made by leaving a copy of the summons and
5 petition with any administrative employee of such agency
6 designated by such agency to accept service of summons and
7 petitions. The certificate of the officer or affidavit of the
8 person that the officer or person ~~he~~ has sent the copy pursuant
9 to this Section is sufficient proof of service.

10 (6) When a parent or other person, who has signed a written
11 promise to appear and bring the minor to court or who has
12 waived or acknowledged service, fails to appear with the minor
13 on the date set by the court, a bench warrant may be issued for
14 the parent or other person, the minor, or both.

15 (7) The appearance of the minor's legal guardian or
16 custodian, or a person named as a respondent in a petition, in
17 any proceeding under this Act shall constitute a waiver of
18 service of summons and submission to the jurisdiction of the
19 court. A copy of the summons and petition shall be provided to
20 the person at the time of the person's ~~his~~ appearance.

21 (Source: P.A. 86-441.)

22 (705 ILCS 405/3-18) (from Ch. 37, par. 803-18)

23 Sec. 3-18. Notice by certified mail or publication.

24 (1) If service on individuals as provided in Section 3-17
25 is not made on any respondent within a reasonable time or if it

1 appears that any respondent resides outside the State, service
2 may be made by certified mail. In such case the clerk shall
3 mail the summons and a copy of the petition to that respondent
4 by certified mail marked for delivery to addressee only. The
5 court shall not proceed with the adjudicatory hearing until 5
6 days after such mailing. The regular return receipt for
7 certified mail is sufficient proof of service.

8 (2) If service upon individuals as provided in Section
9 3-17 is not made on any respondents within a reasonable time or
10 if any person is made a respondent under the designation of
11 "All whom it may Concern", or if service cannot be made because
12 the whereabouts of a respondent are unknown, service may be
13 made by publication. The clerk of the court as soon as possible
14 shall cause publication to be made once in a newspaper of
15 general circulation in the county where the action is pending.
16 Notice by publication is not required in any case when the
17 person alleged to have legal custody of the minor has been
18 served with summons personally or by certified mail, but the
19 court may not enter any order or judgment against any person
20 who cannot be served with process other than by publication
21 unless notice by publication is given or unless that person
22 appears. When a minor has been sheltered under Section 3-12 of
23 this Act and summons has not been served personally or by
24 certified mail within 20 days from the date of the order of the
25 court directing such shelter care, the clerk of the court
26 shall cause publication. Notice by publication shall be

1 substantially as follows:

2 "A, B, C, D, (here giving the names of the named
3 respondents, if any) and to All Whom It May Concern (if there
4 is any respondent under that designation):

5 Take notice that on (insert date) a petition was filed
6 under the Juvenile Court Act of 1987 by in the circuit
7 court of county entitled 'In the interest of, a
8 minor', and that in courtroom at on (insert date) at
9 the hour of, or as soon thereafter as this cause may be
10 heard, an adjudicatory hearing will be held upon the petition
11 to have the child declared to be a ward of the court under that
12 Act. The court has authority in this proceeding to take from
13 you the custody and guardianship of the minor, (and if the
14 petition prays for the appointment of a guardian with power to
15 consent to adoption) and to appoint a guardian with power to
16 consent to adoption of the minor.

17 Now, unless you appear at the hearing and show cause
18 against the petition, the allegations of the petition may
19 stand admitted as against you and each of you, and an order or
20 judgment entered.

21
22 Clerk

23 Dated (insert the date of publication)"

24 (3) The clerk shall also at the time of the publication of
25 the notice send a copy thereof by mail to each of the
26 respondents on account of whom publication is made at the ~~his~~

1 ~~or her~~ last known address of each respondent. The certificate
2 of the clerk that the clerk ~~he or she~~ has mailed the notice is
3 evidence thereof. No other publication notice is required.
4 Every respondent notified by publication under this Section
5 must appear and answer in open court at the hearing. The court
6 may not proceed with the adjudicatory hearing until 10 days
7 after service by publication on any custodial parent, guardian
8 or legal custodian in the case of a minor requiring
9 authoritative intervention.

10 (4) If it becomes necessary to change the date set for the
11 hearing in order to comply with Section 3-17 or with this
12 Section, notice of the resetting of the date must be given, by
13 certified mail or other reasonable means, to each respondent
14 who has been served with summons personally or by certified
15 mail.

16 (Source: P.A. 91-357, eff. 7-29-99.)

17 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

18 Sec. 3-19. Guardian ad litem.

19 (1) Immediately upon the filing of a petition alleging
20 that the minor requires authoritative intervention, the court
21 may appoint a guardian ad litem for the minor if

22 (a) such petition alleges that the minor is the victim
23 of sexual abuse or misconduct; or

24 (b) such petition alleges that charges alleging the
25 commission of any of the sex offenses defined in Article

1 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
2 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, have
4 been filed against a defendant in any court and that such
5 minor is the alleged victim of the acts of the defendant in
6 the commission of such offense.

7 (2) Unless the guardian ad litem appointed pursuant to
8 paragraph (1) is an attorney at law, the guardian ad litem ~~he~~
9 shall be represented in the performance of the guardian ad
10 litem's ~~his~~ duties by counsel.

11 (3) Before proceeding with the hearing, the court shall
12 appoint a guardian ad litem for the minor if

13 (a) no parent, guardian, custodian or relative of the
14 minor appears at the first or any subsequent hearing of
15 the case;

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

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

21 (4) The court may appoint a guardian ad litem for the minor
22 whenever it finds that there may be a conflict of interest
23 between the minor and the minor's ~~his~~ parents or other
24 custodian or that it is otherwise in the minor's interest to do
25 so.

26 (5) The reasonable fees of a guardian ad litem appointed

1 under this Section shall be fixed by the court and charged to
2 the parents of the minor, to the extent they are able to pay.
3 If the parents are unable to pay those fees, they shall be paid
4 from the general fund of the county.

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

6 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

7 Sec. 3-21. Continuance under supervision.

8 (1) The court may enter an order of continuance under
9 supervision (a) upon an admission or stipulation by the
10 appropriate respondent or minor respondent of the facts
11 supporting the petition and before proceeding to findings and
12 adjudication, or after hearing the evidence at the
13 adjudicatory hearing but before noting in the minutes of
14 proceedings a finding of whether or not the minor is a person
15 requiring authoritative intervention; and (b) in the absence
16 of objection made in open court by the minor, the minor's ~~his~~
17 parent, guardian, custodian, responsible relative, defense
18 attorney or the State's Attorney.

19 (2) If the minor, the minor's ~~his~~ parent, guardian,
20 custodian, responsible relative, defense attorney or State's
21 Attorney, objects in open court to any such continuance and
22 insists upon proceeding to findings and adjudication, the
23 court shall so proceed.

24 (3) Nothing in this Section limits the power of the court
25 to order a continuance of the hearing for the production of

1 additional evidence or for any other proper reason.

2 (4) When a hearing where a minor is alleged to be a minor
3 requiring authoritative intervention is continued pursuant to
4 this Section, the court may permit the minor to remain in the
5 minor's ~~his~~ home subject to such conditions concerning the
6 minor's ~~his~~ conduct and supervision as the court may require
7 by order.

8 (5) If a petition is filed charging a violation of a
9 condition of the continuance under supervision, the court
10 shall conduct a hearing. If the court finds that such
11 condition of supervision has not been fulfilled the court may
12 proceed to findings and adjudication and disposition. The
13 filing of a petition for violation of a condition of the
14 continuance under supervision shall toll the period of
15 continuance under supervision until the final determination of
16 the charge, and the term of the continuance under supervision
17 shall not run until the hearing and disposition of the
18 petition for violation; provided where the petition alleges
19 conduct that does not constitute a criminal offense, the
20 hearing must be held within 15 days of the filing of the
21 petition unless a delay in such hearing has been occasioned by
22 the minor, in which case the delay shall continue the tolling
23 of the period of continuance under supervision for the period
24 of such delay.

25 (6) The court must impose upon a minor under an order of
26 continuance under supervision or an order of disposition under

1 this Article III, as a condition of the order, a fee of \$25 for
2 each month or partial month of supervision with a probation
3 officer. If the court determines the inability of the minor,
4 or the parent, guardian, or legal custodian of the minor to pay
5 the fee, the court may impose a lesser fee. The court may not
6 impose the fee on a minor who is placed in the guardianship or
7 custody of the Department of Children and Family Services
8 under this Act. The fee may be imposed only upon a minor who is
9 actively supervised by the probation and court services
10 department. The fee must be collected by the clerk of the
11 circuit court. The clerk of the circuit court must pay all
12 monies collected from this fee to the county treasurer for
13 deposit into the probation and court services fund under
14 Section 15.1 of the Probation and Probation Officers Act.

15 (Source: P.A. 100-159, eff. 8-18-17.)

16 (705 ILCS 405/3-22) (from Ch. 37, par. 803-22)

17 Sec. 3-22. Findings and adjudication.

18 (1) After hearing the evidence the court shall make and
19 note in the minutes of the proceeding a finding of whether or
20 not the person is a minor requiring authoritative
21 intervention. If it finds that the minor is not such a person,
22 the court shall order the petition dismissed and the minor
23 discharged from any restriction previously ordered in such
24 proceeding.

25 (2) If the court finds that the person is a minor requiring

1 authoritative intervention, the court shall note in its
2 findings that the minor ~~he or she~~ does require authoritative
3 intervention. The court shall then set a time for a
4 dispositional hearing to be conducted under Section 3-23 at
5 which hearing the court shall determine whether it is in the
6 best interests of the minor and the public that the minor ~~he~~ be
7 made a ward of the court. To assist the court in making this
8 and other determinations at the dispositional hearing, the
9 court may order that an investigation be conducted and a
10 dispositional report be prepared concerning the minor's
11 physical and mental history and condition, family situation
12 and background, economic status, education, occupation,
13 history of delinquency or criminality, personal habits, and
14 any other information that may be helpful to the court.

15 (Source: P.A. 85-601.)

16 (705 ILCS 405/3-23) (from Ch. 37, par. 803-23)

17 Sec. 3-23. Dispositional hearing; evidence; continuance.

18 (1) At the dispositional hearing, the court shall determine
19 whether it is in the best interests of the minor and the public
20 that the minor ~~he~~ be made a ward of the court, and, if the
21 minor ~~he~~ is to be made a ward of the court, the court shall
22 determine the proper disposition best serving the interests of
23 the minor and the public. All evidence helpful in determining
24 these questions, including oral and written reports, may be
25 admitted and may be relied upon to the extent of its probative

1 value, even though not competent for the purposes of the
2 adjudicatory hearing.

3 (2) Notice in compliance with Sections 3-17 and 3-18 must
4 be given to all parties-respondent prior to proceeding to a
5 dispositional hearing. Before making an order of disposition
6 the court shall advise the State's Attorney, the parents,
7 guardian, custodian or responsible relative or their counsel
8 of the factual contents and the conclusions of the reports
9 prepared for the use of the court and considered by it, and
10 afford fair opportunity, if requested, to controvert them. The
11 court may order, however, that the documents containing such
12 reports need not be submitted for inspection, or that sources
13 of confidential information need not be disclosed except to
14 the attorneys for the parties. Factual contents, conclusions,
15 documents and sources disclosed by the court under this
16 paragraph shall not be further disclosed without the express
17 approval of the court pursuant to an in camera hearing.

18 (3) A record of a prior continuance under supervision
19 under Section 3-21, whether successfully completed or not, is
20 admissible at the dispositional hearing.

21 (4) On its own motion or that of the State's Attorney, a
22 parent, guardian, custodian, responsible relative or counsel,
23 the court may adjourn the hearing for a reasonable period to
24 receive reports or other evidence. In scheduling
25 investigations and hearings, the court shall give priority to
26 proceedings in which a minor has been removed from the minor's

1 ~~his or her~~ home before an order of disposition has been made.

2 (Source: P.A. 85-601.)

3 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

4 Sec. 3-24. Kinds of dispositional orders.

5 (1) The following kinds of orders of disposition may be
6 made in respect to wards of the court: A minor found to be
7 requiring authoritative intervention under Section 3-3 may be
8 (a) committed to the Department of Children and Family
9 Services, subject to Section 5 of the Children and Family
10 Services Act; (b) placed under supervision and released to the
11 minor's ~~his or her~~ parents, guardian or legal custodian; (c)
12 placed in accordance with Section 3-28 with or without also
13 being placed under supervision. Conditions of supervision may
14 be modified or terminated by the court if it deems that the
15 best interests of the minor and the public will be served
16 thereby; (d) ordered partially or completely emancipated in
17 accordance with the provisions of the Emancipation of Minors
18 Act; or (e) subject to having the minor's ~~his or her~~ driver's
19 license or driving privilege suspended for such time as
20 determined by the Court but only until the minor ~~he or she~~
21 attains 18 years of age.

22 (2) Any order of disposition may provide for protective
23 supervision under Section 3-25 and may include an order of
24 protection under Section 3-26.

25 (3) Unless the order of disposition expressly so provides,

1 it does not operate to close proceedings on the pending
2 petition, but is subject to modification until final closing
3 and discharge of the proceedings under Section 3-32.

4 (4) In addition to any other order of disposition, the
5 court may order any person found to be a minor requiring
6 authoritative intervention under Section 3-3 to make
7 restitution, in monetary or non-monetary form, under the terms
8 and conditions of Section 5-5-6 of the Unified Code of
9 Corrections, except that the "presentence hearing" referred to
10 therein shall be the dispositional hearing for purposes of
11 this Section. The parent, guardian or legal custodian of the
12 minor may pay some or all of such restitution on the minor's
13 behalf.

14 (5) Any order for disposition where the minor is committed
15 or placed in accordance with Section 3-28 shall provide for
16 the parents or guardian of the estate of such minor to pay to
17 the legal custodian or guardian of the person of the minor such
18 sums as are determined by the custodian or guardian of the
19 person of the minor as necessary for the minor's needs. Such
20 payments may not exceed the maximum amounts provided for by
21 Section 9.1 of the Children and Family Services Act.

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

1 (7) The court must impose upon a minor under an order of
2 continuance under supervision or an order of disposition under
3 this Article III, as a condition of the order, a fee of \$25 for
4 each month or partial month of supervision with a probation
5 officer. If the court determines the inability of the minor,
6 or the parent, guardian, or legal custodian of the minor to pay
7 the fee, the court may impose a lesser fee. The court may not
8 impose the fee on a minor who is placed in the guardianship or
9 custody of the Department of Children and Family Services
10 under this Act. The fee may be imposed only upon a minor who is
11 actively supervised by the probation and court services
12 department. The fee must be collected by the clerk of the
13 circuit court. The clerk of the circuit court must pay all
14 monies collected from this fee to the county treasurer for
15 deposit into the probation and court services fund under
16 Section 15.1 of the Probation and Probation Officers Act.

17 (Source: P.A. 100-159, eff. 8-18-17.)

18 (705 ILCS 405/3-25) (from Ch. 37, par. 803-25)

19 Sec. 3-25. Protective supervision. If the order of
20 disposition releases the minor to the custody of the minor's
21 ~~his~~ parents, guardian or legal custodian, or continues the
22 minor ~~him~~ in such custody, the court may place the person
23 having custody of the minor, except for representatives of
24 private or public agencies or governmental departments, under
25 supervision of the probation office. Rules or orders of court

1 shall define the terms and conditions of protective
2 supervision, which may be modified or terminated when the
3 court finds that the best interests of the minor and the public
4 will be served thereby.

5 (Source: P.A. 85-601.)

6 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

7 Sec. 3-26. Order of protection.

8 (1) The court may make an order of protection in
9 assistance of or as a condition of any other order authorized
10 by this Act. The order of protection may set forth reasonable
11 conditions of behavior to be observed for a specified period.
12 Such an order may require a person:

13 (a) To stay away from the home or the minor;

14 (b) To permit a parent to visit the minor at stated
15 periods;

16 (c) To abstain from offensive conduct against the
17 minor, the minor's ~~his~~ parent or any person to whom
18 custody of the minor is awarded;

19 (d) To give proper attention to the care of the home;

20 (e) To cooperate in good faith with an agency to which
21 custody of a minor is entrusted by the court or with an
22 agency or association to which the minor is referred by
23 the court;

24 (f) To prohibit and prevent any contact whatsoever
25 with the respondent minor by a specified individual or

1 individuals who are alleged in either a criminal or
2 juvenile proceeding to have caused injury to a respondent
3 minor or a sibling of a respondent minor;

4 (g) To refrain from acts of commission or omission
5 that tend to make the home not a proper place for the
6 minor.

7 (2) The court shall enter an order of protection to
8 prohibit and prevent any contact between a respondent minor or
9 a sibling of a respondent minor and any person named in a
10 petition seeking an order of protection who has been convicted
11 of heinous battery or aggravated battery under subdivision
12 (a)(2) of Section 12-3.05, aggravated battery of a child or
13 aggravated battery under subdivision (b)(1) of Section
14 12-3.05, criminal sexual assault, aggravated criminal sexual
15 assault, predatory criminal sexual assault of a child,
16 criminal sexual abuse, or aggravated criminal sexual abuse as
17 described in the Criminal Code of 1961 or the Criminal Code of
18 2012, or has been convicted of an offense that resulted in the
19 death of a child, or has violated a previous order of
20 protection under this Section.

21 (3) When the court issues an order of protection against
22 any person as provided by this Section, the court shall direct
23 a copy of such order to the Sheriff of that county. The Sheriff
24 shall furnish a copy of the order of protection to the Illinois
25 State Police within 24 hours of receipt, in the form and manner
26 required by the Department. The Illinois State Police shall

1 maintain a complete record and index of such orders of
2 protection and make this data available to all local law
3 enforcement agencies.

4 (4) After notice and opportunity for hearing afforded to a
5 person subject to an order of protection, the order may be
6 modified or extended for a further specified period or both or
7 may be terminated if the court finds that the best interests of
8 the minor and the public will be served thereby.

9 (5) An order of protection may be sought at any time during
10 the course of any proceeding conducted pursuant to this Act.
11 Any person against whom an order of protection is sought may
12 retain counsel to represent the person ~~him~~ at a hearing, and
13 has rights to be present at the hearing, to be informed prior
14 to the hearing in writing of the contents of the petition
15 seeking a protective order and of the date, place and time of
16 such hearing, and to cross examine witnesses called by the
17 petitioner and to present witnesses and argument in opposition
18 to the relief sought in the petition.

19 (6) Diligent efforts shall be made by the petitioner to
20 serve any person or persons against whom any order of
21 protection is sought with written notice of the contents of
22 the petition seeking a protective order and of the date, place
23 and time at which the hearing on the petition is to be held.
24 When a protective order is being sought in conjunction with a
25 shelter care hearing, if the court finds that the person
26 against whom the protective order is being sought has been

1 notified of the hearing or that diligent efforts have been
2 made to notify such person, the court may conduct a hearing. If
3 a protective order is sought at any time other than in
4 conjunction with a shelter care hearing, the court may not
5 conduct a hearing on the petition in the absence of the person
6 against whom the order is sought unless the petitioner has
7 notified such person by personal service at least 3 days
8 before the hearing or has sent written notice by first class
9 mail to such person's last known address at least 5 days before
10 the hearing.

11 (7) A person against whom an order of protection is being
12 sought who is neither a parent, guardian, legal custodian or
13 responsible relative as described in Section 1-5 is not a
14 party or respondent as defined in that Section and shall not be
15 entitled to the rights provided therein. Such person does not
16 have a right to appointed counsel or to be present at any
17 hearing other than the hearing in which the order of
18 protection is being sought or a hearing directly pertaining to
19 that order. Unless the court orders otherwise, such person
20 does not have a right to inspect the court file.

21 (8) All protective orders entered under this Section shall
22 be in writing. Unless the person against whom the order was
23 obtained was present in court when the order was issued, the
24 sheriff, other law enforcement official or special process
25 server shall promptly serve that order upon that person and
26 file proof of such service, in the manner provided for service

1 of process in civil proceedings. The person against whom the
2 protective order was obtained may seek a modification of the
3 order by filing a written motion to modify the order within 7
4 days after actual receipt by the person of a copy of the order.
5 (Source: P.A. 102-538, eff. 8-20-21.)

6 (705 ILCS 405/3-27) (from Ch. 37, par. 803-27)

7 Sec. 3-27. Enforcement of orders of protective supervision
8 or of protection.

9 (1) Orders of protective supervision and orders of
10 protection may be enforced by citation to show cause for
11 contempt of court by reason of any violation thereof and,
12 where protection of the welfare of the minor so requires, by
13 the issuance of a warrant to take the alleged violator into
14 custody and bring the minor ~~him~~ before the court.

15 (2) In any case where an order of protection has been
16 entered, the clerk of the court may issue to the petitioner, to
17 the minor or to any other person affected by the order a
18 certificate stating that an order of protection has been made
19 by the court concerning such persons and setting forth its
20 terms and requirements. The presentation of the certificate to
21 any peace officer authorizes the peace officer ~~him~~ to take
22 into custody a person charged with violating the terms of the
23 order of protection, to bring such person before the court
24 and, within the limits of the peace officer's ~~his~~ legal
25 authority as such peace officer, otherwise to aid in securing

1 the protection the order is intended to afford.

2 (Source: P.A. 85-601.)

3 (705 ILCS 405/3-28) (from Ch. 37, par. 803-28)

4 Sec. 3-28. Placement; legal custody or guardianship.

5 (1) If the court finds that the parents, guardian or legal
6 custodian of a minor adjudged a ward of the court are unfit or
7 are unable, for some reason other than financial circumstances
8 alone, to care for, protect, train or discipline the minor or
9 are unwilling to do so, and that appropriate services aimed at
10 family preservation and family reunification have been
11 unsuccessful in rectifying the conditions which have led to
12 such a finding of unfitness or inability to care for, protect,
13 train or discipline the minor, and that it is in the best
14 interest of the minor to take the minor ~~him~~ from the custody of
15 the minor's ~~his~~ parents, guardian or custodian, the court may:

16 (a) place the minor ~~him~~ in the custody of a suitable
17 relative or other person;

18 (b) place the minor ~~him~~ under the guardianship of a
19 probation officer;

20 (c) commit the minor ~~him~~ to an agency for care or
21 placement, except an institution under the authority of
22 the Department of Juvenile Justice or of the Department of
23 Children and Family Services;

24 (d) commit the minor ~~him~~ to some licensed training
25 school or industrial school; or

1 (e) commit the minor ~~him~~ to any appropriate
2 institution having among its purposes the care of
3 delinquent children, including a child protective facility
4 maintained by a Child Protection District serving the
5 county from which commitment is made, but not including
6 any institution under the authority of the Department of
7 Juvenile Justice or of the Department of Children and
8 Family Services.

9 (2) When making such placement, the court, wherever
10 possible, shall select a person holding the same religious
11 belief as that of the minor or a private agency controlled by
12 persons of like religious faith of the minor and shall require
13 the Department of Children and Family Services to otherwise
14 comply with Section 7 of the Children and Family Services Act
15 in placing the child. In addition, whenever alternative plans
16 for placement are available, the court shall ascertain and
17 consider, to the extent appropriate in the particular case,
18 the views and preferences of the minor.

19 (3) When a minor is placed with a suitable relative or
20 other person, the court shall appoint the suitable relative or
21 other person as ~~him~~ the legal custodian or guardian of the
22 person of the minor. When a minor is committed to any agency,
23 the court shall appoint the proper officer or representative
24 thereof as legal custodian or guardian of the person of the
25 minor. Legal custodians and guardians of the person of the
26 minor have the respective rights and duties set forth in

1 paragraph (9) of Section 1-3 except as otherwise provided by
2 order of the court; but no guardian of the person may consent
3 to adoption of the minor unless that authority is conferred
4 upon the guardian ~~him~~ in accordance with Section 3-30. An
5 agency whose representative is appointed guardian of the
6 person or legal custodian of the minor may place the minor ~~him~~
7 in any child care facility, but such facility must be licensed
8 under the Child Care Act of 1969 or have been approved by the
9 Department of Children and Family Services as meeting the
10 standards established for such licensing. No agency may place
11 such minor in a child care facility unless such placement is in
12 compliance with the rules and regulations for placement under
13 this Section promulgated by the Department of Children and
14 Family Services under Section 5 of the Children and Family
15 Services Act ~~"An Act creating the Department of Children and~~
16 ~~Family Services, codifying its powers and duties, and~~
17 ~~repealing certain Acts and Sections herein named"~~. Like
18 authority and restrictions shall be conferred by the court
19 upon any probation officer who has been appointed guardian of
20 the person of a minor.

21 (4) No placement by any probation officer or agency whose
22 representative is appointed guardian of the person or legal
23 custodian of a minor may be made in any out of State child care
24 facility unless it complies with the Interstate Compact on the
25 Placement of Children.

26 (5) The clerk of the court shall issue to such legal

1 custodian or guardian of the person a certified copy of the
2 order of the court, as proof of the legal custodian's or
3 guardian's ~~his~~ authority. No other process is necessary as
4 authority for the keeping of the minor.

5 (6) Custody or guardianship granted hereunder continues
6 until the court otherwise directs, but not after the minor
7 reaches the age of 19 years except as set forth in Section
8 3-32.

9 (Source: P.A. 98-83, eff. 7-15-13.)

10 (705 ILCS 405/3-29) (from Ch. 37, par. 803-29)

11 Sec. 3-29. Court review. (1) The court may require any
12 legal custodian or guardian of the person appointed under this
13 Act to report periodically to the court or may cite the legal
14 custodian or guardian ~~him~~ into court and require the legal
15 custodian, guardian, him or the legal custodian's or
16 guardian's ~~his~~ agency⁷ to make a full and accurate report of
17 the ~~his or its~~ doings of the legal custodian, guardian, or
18 agency on ~~in~~ behalf of the minor. The custodian or guardian,
19 within 10 days after such citation, shall make the report,
20 either in writing verified by affidavit or orally under oath
21 in open court, or otherwise as the court directs. Upon the
22 hearing of the report the court may remove the custodian or
23 guardian and appoint another in the custodian's or guardian's
24 ~~his~~ stead or restore the minor to the custody of the minor's
25 ~~his~~ parents or former guardian or custodian.

1 (2) A guardian or custodian appointed by the court
2 pursuant to this Act shall file updated case plans with the
3 court every 6 months. Every agency which has guardianship of a
4 child shall file a supplemental petition for court review, or
5 review by an administrative body appointed or approved by the
6 court and further order within 18 months of dispositional
7 order and each 18 months thereafter. Such petition shall state
8 facts relative to the child's present condition of physical,
9 mental and emotional health as well as facts relative to the
10 child's ~~his~~ present custodial or foster care. The petition
11 shall be set for hearing and the clerk shall mail 10 days
12 notice of the hearing by certified mail, return receipt
13 requested, to the person or agency having the physical custody
14 of the child, the minor and other interested parties unless a
15 written waiver of notice is filed with the petition.

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

19 (3) The minor or any person interested in the minor may
20 apply to the court for a change in custody of the minor and the
21 appointment of a new custodian or guardian of the person or for
22 the restoration of the minor to the custody of the minor's ~~his~~
23 parents or former guardian or custodian.

24 In the event that the minor has attained 18 years of age
25 and the guardian or custodian petitions the court for an order
26 terminating the minor's ~~his~~ guardianship or custody,

1 guardianship or custody shall terminate automatically 30 days
2 after the receipt of the petition unless the court orders
3 otherwise. No legal custodian or guardian of the person may be
4 removed without the legal custodian's or guardian's ~~his~~
5 consent until given notice and an opportunity to be heard by
6 the court.

7 (Source: P.A. 85-601.)

8 (705 ILCS 405/3-30) (from Ch. 37, par. 803-30)

9 Sec. 3-30. Adoption; appointment of guardian with power to
10 consent.

11 (1) A ward of the court under this Act, with the consent of
12 the court, may be the subject of a petition for adoption under
13 the Adoption Act ~~"An Act in relation to the adoption of~~
14 ~~persons, and to repeal an Act therein named", approved July~~
15 ~~17, 1959, as amended,~~ or with like consent the minor's ~~his or~~
16 ~~her~~ parent or parents may, in the manner required by such Act,
17 surrender the minor ~~him or her~~ for adoption to an agency
18 legally authorized or licensed to place children for adoption.

19 (2) If the petition prays and the court finds that it is in
20 the best interests of the minor that a guardian of the person
21 be appointed and authorized to consent to the adoption of the
22 minor, the court with the consent of the parents, if living, or
23 after finding, based upon clear and convincing evidence, that
24 a non-consenting parent is an unfit person as defined in
25 Section 1 of the Adoption Act ~~"An Act in relation to the~~

1 ~~adoption of persons, and to repeal an Act therein named",~~
2 ~~approved July 17, 1959, as amended,~~ may empower the guardian
3 of the person of the minor, in the order appointing the person
4 ~~him or her~~ as such guardian, to appear in court where any
5 proceedings for the adoption of the minor may at any time be
6 pending and to consent to the adoption. Such consent is
7 sufficient to authorize the court in the adoption proceedings
8 to enter a proper order or judgment of adoption without
9 further notice to, or consent by, the parents of the minor. An
10 order so empowering the guardian to consent to adoption
11 terminates parental rights, deprives the parents of the minor
12 of all legal rights as respects the minor and relieves them of
13 all parental responsibility for the minor ~~him or her~~, and
14 frees the minor from all obligations of maintenance and
15 obedience to the minor's ~~his or her~~ natural parents.

16 If the minor is over 14 years of age, the court may, in its
17 discretion, consider the wishes of the minor in determining
18 whether the best interests of the minor would be promoted by
19 the finding of the unfitness of a non-consenting parent.

20 (3) Parental consent to the order authorizing the guardian
21 of the person to consent to adoption of the Minor shall be
22 given in open court whenever possible and otherwise must be in
23 writing and signed in the form provided in the Adoption Act ~~"An~~
24 ~~Act in relation to the adoption of persons, and to repeal an~~
25 ~~Act therein named", approved July 17, 1959, as amended,~~ but no
26 names of petitioners for adoption need be included. A finding

1 of the unfitness of a nonconsenting parent must be made in
2 compliance with that Act and be based upon clear and
3 convincing evidence. Provisions of that Act relating to minor
4 parents and to mentally ill or mentally deficient parents
5 apply to proceedings under this Section and shall be based
6 upon clear and convincing evidence.

7 (Source: P.A. 85-601.)

8 (705 ILCS 405/3-32) (from Ch. 37, par. 803-32)

9 Sec. 3-32. Duration of wardship and discharge of
10 proceedings.

11 (1) All proceedings under this Act in respect to any minor
12 for whom a petition was filed after the effective date of this
13 amendatory Act of 1991 automatically terminate upon the minor
14 ~~his~~ attaining the age of 19 years, except that a court may
15 continue the wardship of a minor until age 21 for good cause
16 when there is satisfactory evidence presented to the court
17 that the best interest of the minor and the public require the
18 continuation of the wardship.

19 (2) Whenever the court finds that the best interests of
20 the minor and the public no longer require the wardship of the
21 court, the court shall order the wardship terminated and all
22 proceedings under this Act respecting that minor finally
23 closed and discharged. The court may at the same time continue
24 or terminate any custodianship or guardianship theretofore
25 ordered but termination must be made in compliance with

1 Section 3-29.

2 (3) The wardship of the minor and any custodianship or
3 guardianship respecting the minor for whom a petition was
4 filed after the effective date of this amendatory Act of 1991
5 automatically terminates when the minor ~~he~~ attains the age of
6 19 years except as set forth in subsection (1) of this Section.
7 The clerk of the court shall at that time record all
8 proceedings under this Act as finally closed and discharged
9 for that reason.

10 (Source: P.A. 87-14.)

11 (705 ILCS 405/3-33.5)

12 Sec. 3-33.5. Truant minors in need of supervision.

13 (a) Definition. A minor who is reported by the office of
14 the regional superintendent of schools as a chronic truant may
15 be subject to a petition for adjudication and adjudged a
16 truant minor in need of supervision, provided that prior to
17 the filing of the petition, the office of the regional
18 superintendent of schools or a community truancy review board
19 certifies that the local school has provided appropriate
20 truancy intervention services to the truant minor and the
21 minor's ~~his or her~~ family. For purposes of this Section,
22 "truancy intervention services" means services designed to
23 assist the minor's return to an educational program, and
24 includes but is not limited to: assessments, counseling,
25 mental health services, shelter, optional and alternative

1 education programs, tutoring, and educational advocacy. If,
2 after review by the regional office of education or community
3 truancy review board, it is determined the local school did
4 not provide the appropriate interventions, then the minor
5 shall be referred to a comprehensive community based youth
6 service agency for truancy intervention services. If the
7 comprehensive community based youth service agency is
8 incapable to provide intervention services, then this
9 requirement for services is not applicable. The comprehensive
10 community based youth service agency shall submit reports to
11 the office of the regional superintendent of schools or
12 truancy review board within 20, 40, and 80 school days of the
13 initial referral or at any other time requested by the office
14 of the regional superintendent of schools or truancy review
15 board, which reports each shall certify the date of the
16 minor's referral and the extent of the minor's progress and
17 participation in truancy intervention services provided by the
18 comprehensive community based youth service agency. In
19 addition, if, after referral by the office of the regional
20 superintendent of schools or community truancy review board,
21 the minor declines or refuses to fully participate in truancy
22 intervention services provided by the comprehensive community
23 based youth service agency, then the agency shall immediately
24 certify such facts to the office of the regional
25 superintendent of schools or community truancy review board.

26 (a-1) There is a rebuttable presumption that a chronic

1 truant is a truant minor in need of supervision.

2 (a-2) There is a rebuttable presumption that school
3 records of a minor's attendance at school are authentic.

4 (a-3) For purposes of this Section, "chronic truant" has
5 the meaning ascribed to it in Section 26-2a of the School Code.

6 (a-4) For purposes of this Section, a "community truancy
7 review board" is a local community based board comprised of
8 but not limited to: representatives from local comprehensive
9 community based youth service agencies, representatives from
10 court service agencies, representatives from local schools,
11 representatives from health service agencies, and
12 representatives from local professional and community
13 organizations as deemed appropriate by the office of the
14 regional superintendent of schools. The regional
15 superintendent of schools must approve the establishment and
16 organization of a community truancy review board, and the
17 regional superintendent of schools or the regional
18 superintendent's ~~his or her~~ designee shall chair the board.

19 (a-5) Nothing in this Section shall be construed to create
20 a private cause of action or right of recovery against a
21 regional office of education, its superintendent, or its staff
22 with respect to truancy intervention services where the
23 determination to provide the services is made in good faith.

24 (b) Kinds of dispositional orders. A minor found to be a
25 truant minor in need of supervision may be:

26 (1) committed to the appropriate regional

1 superintendent of schools for a student assistance team
2 staffing, a service plan, or referral to a comprehensive
3 community based youth service agency;

4 (2) required to comply with a service plan as
5 specifically provided by the appropriate regional
6 superintendent of schools;

7 (3) ordered to obtain counseling or other supportive
8 services;

9 (4) (blank);

10 (5) required to perform some reasonable public service
11 work such as, but not limited to, the picking up of litter
12 in public parks or along public highways or the
13 maintenance of public facilities; or

14 (6) (blank).

15 A dispositional order may include public service only if
16 the court has made an express written finding that a truancy
17 prevention program has been offered by the school, regional
18 superintendent of schools, or a comprehensive community based
19 youth service agency to the truant minor in need of
20 supervision.

21 (c) Orders entered under this Section may be enforced by
22 contempt proceedings.

23 (Source: P.A. 102-456, eff. 1-1-22.)

24 (705 ILCS 405/4-1) (from Ch. 37, par. 804-1)

25 Sec. 4-1. Jurisdictional facts. Proceedings may be

1 instituted under the provisions of this Article concerning
2 minors ~~boys and girls~~ who are addicted as defined in Section
3 4-3.

4 (Source: P.A. 85-601.)

5 (705 ILCS 405/4-4) (from Ch. 37, par. 804-4)

6 Sec. 4-4. Taking into custody.

7 (1) A law enforcement officer may, without a warrant, take
8 into temporary custody a minor (a) whom the officer with
9 reasonable cause believes to be an addicted minor; (b) who has
10 been adjudged a ward of the court and has escaped from any
11 commitment ordered by the court under this Act; or (c) who is
12 found in any street or public place suffering from any
13 sickness or injury which requires care, medical treatment or
14 hospitalization.

15 (2) Whenever a petition has been filed under Section 4-12
16 and the court finds that the conduct and behavior of the minor
17 may endanger the health, person, welfare, or property of the
18 minor himself or others or that the circumstances of the
19 minor's his home environment may endanger the minor's his
20 health, person, welfare or property, a warrant may be issued
21 immediately to take the minor into custody.

22 (3) The taking of a minor into temporary custody under
23 this Section is not an arrest nor does it constitute a police
24 record.

25 (4) Minors taken into temporary custody under this Section

1 are subject to the provisions of Section 1-4.1.

2 (Source: P.A. 87-1154.)

3 (705 ILCS 405/4-5) (from Ch. 37, par. 804-5)

4 Sec. 4-5. Duty of officer; admissions by minor. (1) A law
5 enforcement officer who takes a minor into custody with a
6 warrant shall immediately make a reasonable attempt to notify
7 the parent or other person legally responsible for the minor's
8 care or the person with whom the minor resides that the minor
9 has been taken into custody and where the minor ~~he or she~~ is
10 being held; and the officer shall without unnecessary delay
11 take the minor to the nearest juvenile police officer
12 designated for such purposes in the county of venue or shall
13 surrender the minor to a juvenile police officer in the city or
14 village where the offense is alleged to have been committed.

15 The minor shall be delivered without unnecessary delay to
16 the court or to the place designated by rule or order of court
17 for the reception of minors, provided that the court may not
18 designate a place of detention.

19 (2) A law enforcement officer who takes a minor into
20 custody without a warrant under Section 4-4 shall, if the
21 minor is not released, immediately make a reasonable attempt
22 to notify the parent or other person legally responsible for
23 the minor's care or the person with whom the minor resides that
24 the minor has been taken into custody and where the minor is
25 being held; and the law enforcement officer shall without

1 unnecessary delay take the minor to the nearest juvenile
2 police officer designated for such purposes in the county of
3 venue.

4 (3) The juvenile police officer may take one of the
5 following actions:

6 (a) station adjustment with release of the minor;

7 (b) station adjustment with release of the minor to a
8 parent;

9 (c) station adjustment, release of the minor to a parent,
10 and referral of the case to community services;

11 (d) station adjustment, release of the minor to a parent,
12 and referral of the case to community services with informal
13 monitoring by a juvenile police officer;

14 (e) station adjustment and release of the minor to a third
15 person pursuant to agreement of the minor and parents;

16 (f) station adjustment, release of the minor to a third
17 person pursuant to agreement of the minor and parents, and
18 referral of the case to community services;

19 (g) station adjustment, release of the minor to a third
20 person pursuant to agreement of the minor and parents, and
21 referral to community services with informal monitoring by a
22 juvenile police officer;

23 (h) release of the minor to the minor's ~~his or her~~ parents
24 and referral of the case to a county juvenile probation
25 officer or such other public officer designated by the court;

26 (i) if the juvenile police officer reasonably believes

1 that there is an urgent and immediate necessity to keep the
2 minor in custody, the juvenile police officer shall deliver
3 the minor without unnecessary delay to the court or to the
4 place designated by rule or order of the court for the
5 reception of minors; and

6 (j) any other appropriate action with consent of the minor
7 and a parent.

8 (Source: P.A. 85-601.)

9 (705 ILCS 405/4-6) (from Ch. 37, par. 804-6)

10 Sec. 4-6. Temporary custody. "Temporary custody" means the
11 temporary placement of the minor out of the custody of the
12 minor's ~~his or her~~ guardian or parent.

13 (a) "Temporary protective custody" means custody within a
14 hospital or other medical facility or a place previously
15 designated for such custody by the Department, subject to
16 review by the Court, including a licensed foster home, group
17 home, or other institution; but such place shall not be a jail
18 or other place for the detention of criminal or juvenile
19 offenders.

20 (b) "Shelter care" means a physically unrestrictive
21 facility designated by Department of Children and Family
22 Services or a licensed child welfare agency or other suitable
23 place designated by the court for a minor who requires care
24 away from the minor's ~~his or her~~ home.

25 (Source: P.A. 85-601.)

1 (705 ILCS 405/4-7) (from Ch. 37, par. 804-7)

2 Sec. 4-7. Investigation; release. When a minor is
3 delivered to the court, or to the place designated by the court
4 under Section 4-6 of this Act, a probation officer or such
5 other public officer designated by the court shall immediately
6 investigate the circumstances of the minor and the facts
7 surrounding the minor ~~his or her~~ being taken into custody. The
8 minor shall be immediately released to the custody of the
9 minor's ~~his or her~~ parent, guardian, legal custodian or
10 responsible relative, unless the probation officer or such
11 other public officer designated by the court finds that
12 further temporary custody is necessary, as provided in Section
13 4-6.

14 (Source: P.A. 85-601.)

15 (705 ILCS 405/4-8) (from Ch. 37, par. 804-8)

16 Sec. 4-8. Setting of shelter care hearing.

17 (1) Unless sooner released, a minor alleged to be addicted
18 taken into temporary protective custody must be brought before
19 a judicial officer within 48 hours, exclusive of Saturdays,
20 Sundays and holidays, for a shelter care hearing to determine
21 whether the minor ~~he~~ shall be further held in custody.

22 (2) If the probation officer or such other public officer
23 designated by the court determines that the minor should be
24 retained in custody, the probation officer or such other

1 public officer designated by the court ~~he~~ shall cause a
2 petition to be filed as provided in Section 4-12 of this Act,
3 and the clerk of the court shall set the matter for hearing on
4 the shelter care hearing calendar. When a parent, guardian,
5 custodian or responsible relative is present and so requests,
6 the shelter care hearing shall be held immediately if the
7 court is in session, otherwise at the earliest feasible time.
8 The probation officer or such other public officer designated
9 by the court shall notify the minor's parent, guardian,
10 custodian or responsible relative of the time and place of the
11 hearing. The notice may be given orally.

12 (3) The minor must be released from custody at the
13 expiration of the 48 hour period, as the case may be, specified
14 by this Section, if not brought before a judicial officer
15 within that period.

16 (Source: P.A. 85-601.)

17 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

18 Sec. 4-9. Shelter care hearing. At the appearance of the
19 minor before the court at the shelter care hearing, all
20 witnesses present shall be examined before the court in
21 relation to any matter connected with the allegations made in
22 the petition.

23 (1) If the court finds that there is not probable cause to
24 believe that the minor is addicted, it shall release the minor
25 and dismiss the petition.

1 (2) If the court finds that there is probable cause to
2 believe that the minor is addicted, the minor, the minor's ~~his~~
3 ~~or her~~ parent, guardian, custodian and other persons able to
4 give relevant testimony shall be examined before the court.
5 After such testimony, the court may enter an order that the
6 minor shall be released upon the request of a parent, guardian
7 or custodian if the parent, guardian or custodian appears to
8 take custody and agrees to abide by a court order which
9 requires the minor and the minor's ~~his or her~~ parent,
10 guardian, or legal custodian to complete an evaluation by an
11 entity licensed by the Department of Human Services, as the
12 successor to the Department of Alcoholism and Substance Abuse,
13 and complete any treatment recommendations indicated by the
14 assessment. "Custodian" includes the Department of Children
15 and Family Services, if it has been given custody of the child,
16 or any other agency of the State which has been given custody
17 or wardship of the child.

18 The Court shall require documentation by representatives
19 of the Department of Children and Family Services or the
20 probation department as to the reasonable efforts that were
21 made to prevent or eliminate the necessity of removal of the
22 minor from the minor's ~~his or her~~ home, and shall consider the
23 testimony of any person as to those reasonable efforts. If the
24 court finds that it is a matter of immediate and urgent
25 necessity for the protection of the minor or of the person or
26 property of another that the minor be placed in a shelter care

1 facility or that the minor ~~he or she~~ is likely to flee the
2 jurisdiction of the court, and further, finds that reasonable
3 efforts have been made or good cause has been shown why
4 reasonable efforts cannot prevent or eliminate the necessity
5 of removal of the minor from the minor's ~~his or her~~ home, the
6 court may prescribe shelter care and order that the minor be
7 kept in a suitable place designated by the court or in a
8 shelter care facility designated by the Department of Children
9 and Family Services or a licensed child welfare agency, or in a
10 facility or program licensed by the Department of Human
11 Services for shelter and treatment services; otherwise it
12 shall release the minor from custody. If the court prescribes
13 shelter care, then in placing the minor, the Department or
14 other agency shall, to the extent compatible with the court's
15 order, comply with Section 7 of the Children and Family
16 Services Act. If the minor is ordered placed in a shelter care
17 facility of the Department of Children and Family Services or
18 a licensed child welfare agency, or in a facility or program
19 licensed by the Department of Human Services for shelter and
20 treatment services, the court shall, upon request of the
21 appropriate Department or other agency, appoint the Department
22 of Children and Family Services Guardianship Administrator or
23 other appropriate agency executive temporary custodian of the
24 minor and the court may enter such other orders related to the
25 temporary custody as it deems fit and proper, including the
26 provision of services to the minor or the minor's ~~his~~ family to

1 ameliorate the causes contributing to the finding of probable
2 cause or to the finding of the existence of immediate and
3 urgent necessity. Acceptance of services shall not be
4 considered an admission of any allegation in a petition made
5 pursuant to this Act, nor may a referral of services be
6 considered as evidence in any proceeding pursuant to this Act,
7 except where the issue is whether the Department has made
8 reasonable efforts to reunite the family. In making its
9 findings that reasonable efforts have been made or that good
10 cause has been shown why reasonable efforts cannot prevent or
11 eliminate the necessity of removal of the minor from the
12 minor's ~~his or her~~ home, the court shall state in writing its
13 findings concerning the nature of the services that were
14 offered or the efforts that were made to prevent removal of the
15 child and the apparent reasons that such services or efforts
16 could not prevent the need for removal. The parents, guardian,
17 custodian, temporary custodian and minor shall each be
18 furnished a copy of such written findings. The temporary
19 custodian shall maintain a copy of the court order and written
20 findings in the case record for the child. The order together
21 with the court's findings of fact in support thereof shall be
22 entered of record in the court.

23 Once the court finds that it is a matter of immediate and
24 urgent necessity for the protection of the minor that the
25 minor be placed in a shelter care facility, the minor shall not
26 be returned to the parent, custodian or guardian until the

1 court finds that such placement is no longer necessary for the
2 protection of the minor.

3 (3) If neither the parent, guardian, legal custodian,
4 responsible relative nor counsel of the minor has had actual
5 notice of or is present at the shelter care hearing, the
6 parent, guardian, legal custodian, responsible relative, or
7 counsel of the minor ~~he or she~~ may file an ~~his or her~~ affidavit
8 setting forth these facts, and the clerk shall set the matter
9 for rehearing not later than 24 hours, excluding Sundays and
10 legal holidays, after the filing of the affidavit. At the
11 rehearing, the court shall proceed in the same manner as upon
12 the original hearing.

13 (4) If the minor is not brought before a judicial officer
14 within the time period as specified in Section 4-8, the minor
15 must immediately be released from custody.

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

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

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

13 (8) Any interested party, including the State, the
14 temporary custodian, an agency providing services to the minor
15 or family under a service plan pursuant to Section 8.2 of the
16 Abused and Neglected Child Reporting Act, foster parent, or
17 any of their representatives, may file a motion to modify or
18 vacate a temporary custody order on any of the following
19 grounds:

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

22 (b) There is a material change in the circumstances of
23 the natural family from which the minor was removed; or

24 (c) A person, including a parent, relative or legal
25 guardian, is capable of assuming temporary custody of the
26 minor; or

1 (d) Services provided by the Department of Children
2 and Family Services or a child welfare agency or other
3 service provider have been successful in eliminating the
4 need for temporary custody.

5 The clerk shall set the matter for hearing not later than
6 14 days after such motion is filed. In the event that the court
7 modifies or vacates a temporary custody order but does not
8 vacate its finding of probable cause, the court may order that
9 appropriate services be continued or initiated in behalf of
10 the minor and the minor's ~~his or her~~ family.

11 (9) The changes made to this Section by Public Act 98-61
12 apply to a minor who has been arrested or taken into custody on
13 or after January 1, 2014 (the effective date of Public Act
14 98-61).

15 (Source: P.A. 100-159, eff. 8-18-17; 100-201, eff. 8-18-17.)

16 (705 ILCS 405/4-11) (from Ch. 37, par. 804-11)

17 Sec. 4-11. Preliminary conferences.

18 (1) The court may authorize the probation officer to
19 confer in a preliminary conference with any person seeking to
20 file a petition under this Article, the prospective
21 respondents and other interested persons concerning the
22 advisability of filing the petition, with a view to adjusting
23 suitable cases without the filing of a petition as provided
24 for herein.

25 The probation officer should schedule a conference

1 promptly except where the State's Attorney insists on court
2 action or where the minor has indicated that the minor ~~he or~~
3 ~~she~~ will demand a judicial hearing and will not comply with an
4 informal adjustment.

5 (2) In any case of a minor who is in temporary custody, the
6 holding of preliminary conferences does not operate to prolong
7 temporary custody beyond the period permitted by Section 4-8.

8 (3) This Section does not authorize any probation officer
9 to compel any person to appear at any conference, produce any
10 papers, or visit any place.

11 (4) No statement made during a preliminary conference may
12 be admitted into evidence at an adjudicatory hearing or at any
13 proceeding against the minor under the criminal laws of this
14 State prior to the minor's ~~his or her~~ conviction thereunder.

15 (5) The probation officer shall promptly formulate a
16 written non-judicial adjustment plan following the initial
17 conference.

18 (6) Non-judicial adjustment plans include but are not
19 limited to the following:

20 (a) up to 6 months informal supervision within the
21 family;

22 (b) up to 12 months informal supervision with a
23 probation officer involved;

24 (c) up to 6 months informal supervision with release
25 to a person other than a parent;

26 (d) referral to special educational, counseling or

1 other rehabilitative social or educational programs;

2 (e) referral to residential treatment programs; and

3 (f) any other appropriate action with consent of the
4 minor and a parent.

5 (7) The factors to be considered by the probation officer
6 in formulating a written non-judicial adjustment plan shall be
7 the same as those limited in subsection (4) of Section 5-405.

8 (Source: P.A. 89-198, eff. 7-21-95; 90-590, eff. 1-1-99.)

9 (705 ILCS 405/4-12) (from Ch. 37, par. 804-12)

10 Sec. 4-12. Petition; supplemental petitions. (1) Any adult
11 person, any agency or association by its representative may
12 file, or the court on its own motion may direct the filing
13 through the State's Attorney of a petition in respect to a
14 minor under this Act. The petition and all subsequent court
15 documents shall be entitled "In the interest of, a
16 minor".

17 (2) The petition shall be verified but the statements may
18 be made upon information and belief. It shall allege that the
19 minor is addicted, as the case may be, and set forth (a) facts
20 sufficient to bring the minor under Section 4-1; (b) the name,
21 age and residence of the minor; (c) the names and residences of
22 the minor's ~~his~~ parents; (d) the name and residence of the
23 minor's ~~his~~ legal guardian or the person or persons having
24 custody or control of the minor, or of the nearest known
25 relative if no parent or guardian can be found; and (e) if the

1 minor upon whose behalf the petition is brought is sheltered
2 in custody, the date on which shelter care was ordered by the
3 court or the date set for a shelter care hearing. If any of the
4 facts herein required are not known by the petitioner, the
5 petition shall so state.

6 (3) The petition must allege that it is in the best
7 interests of the minor and of the public that the minor ~~he or~~
8 ~~she~~ be adjudged a ward of the court and may pray generally for
9 relief available under this Act. The petition need not specify
10 any proposed disposition following adjudication of wardship.

11 (4) If appointment of a guardian of the person with power
12 to consent to adoption of the minor under Section 4-27 is
13 sought, the petition shall so state.

14 (5) At any time before dismissal of the petition or before
15 final closing and discharge under Section 4-29, one or more
16 supplemental petitions may be filed in respect to the same
17 minor.

18 (Source: P.A. 85-1209.)

19 (705 ILCS 405/4-13) (from Ch. 37, par. 804-13)

20 Sec. 4-13. Date for adjudicatory hearing.

21 (a) (Blank). ~~Until January 1, 1988:~~

22 ~~(1) When a petition has been filed alleging that the minor~~
23 ~~is an addict under this Article, an adjudicatory hearing shall~~
24 ~~be held within 120 days. The 120 day period in which an~~
25 ~~adjudicatory hearing shall be held is tolled by: (A) delay~~

1 ~~occasioned by the minor; (B) a continuance allowed pursuant to~~
2 ~~Section 114-4 of the Code of Criminal Procedure of 1963 after a~~
3 ~~court's determination of the minor's physical incapacity for~~
4 ~~trial; or (C) an interlocutory appeal. Any such delay shall~~
5 ~~temporarily suspend for the time of the delay the period~~
6 ~~within which the adjudicatory hearing must be held. On the day~~
7 ~~of expiration of the delay, the said period shall continue at~~
8 ~~the point at which it was suspended. Where no such~~
9 ~~adjudicatory hearing is held within 120 days the court may,~~
10 ~~upon written motion of such minor's guardian ad litem, dismiss~~
11 ~~the petition with respect to such minor. Such dismissal shall~~
12 ~~be without prejudice.~~

13 ~~Where the court determines that the State has exercised,~~
14 ~~without success, due diligence to obtain evidence material to~~
15 ~~the case, and that there are reasonable grounds to believe~~
16 ~~that such evidence may be obtained at a later date the court~~
17 ~~may, upon written motion by the state, continue the matter for~~
18 ~~not more than 30 additional days.~~

19 ~~(2) In the case of a minor ordered held in shelter care,~~
20 ~~the hearing on the petition must be held within 10 judicial~~
21 ~~days from the date of the order of the court directing shelter~~
22 ~~care, or the earliest possible date in compliance with the~~
23 ~~notice provisions of Sections 4-14 and 4-15 as to the~~
24 ~~eustodial parent, guardian or legal custodian, but no later~~
25 ~~than 30 judicial days from the date of the order of the court~~
26 ~~directing shelter care. Delay occasioned by the respondent~~

1 ~~shall temporarily suspend, for the time of the delay, the~~
2 ~~period within which a respondent must be brought to an~~
3 ~~adjudicatory hearing pursuant to this Section.~~

4 ~~Any failure to comply with the time limits of this~~
5 ~~subsection must require the immediate release of the minor and~~
6 ~~the time limits of subsection (a) (1) shall apply.~~

7 ~~(3) Nothing in this Section prevents the minor's exercise~~
8 ~~of his or her right to waive the time limits set forth in this~~
9 ~~Section.~~

10 (b) ~~Beginning January 1, 1988:~~ (1) (A) When a petition has
11 been filed alleging that the minor is an addict under this
12 Article, an adjudicatory hearing shall be held within 120 days
13 of a demand made by any party, except that when the court
14 determines that the State, without success, has exercised due
15 diligence to obtain evidence material to the case and that
16 there are reasonable grounds to believe that such evidence may
17 be obtained at a later date, the court may, upon motion by the
18 State, continue the adjudicatory hearing for not more than 30
19 additional days.

20 The 120 day period in which an adjudicatory hearing shall
21 be held is tolled by: (i) delay occasioned by the minor; or
22 (ii) a continuance allowed pursuant to Section 114-4 of the
23 Code of Criminal Procedure of 1963 after a court's
24 determination of the minor's physical incapacity for trial; or
25 (iii) an interlocutory appeal. Any such delay shall
26 temporarily suspend for the time of the delay the period

1 within which the adjudicatory hearing must be held. On the day
2 of expiration of the delay, the said period shall continue at
3 the point at which it was suspended.

4 (B) When no such adjudicatory hearing is held within the
5 time required by paragraph (b)(1)(A) of this Section, the
6 court shall, upon motion by any party, dismiss the petition
7 with prejudice.

8 (2) Without affecting the applicability of the tolling and
9 multiple prosecution provisions of paragraph (b) (1) of this
10 Section, when a petition has been filed alleging that the
11 minor is an addict under this Article and the minor is in
12 shelter care, the adjudicatory hearing shall be held within 10
13 judicial days after the date of the order directing shelter
14 care, or the earliest possible date in compliance with the
15 notice provisions of Sections 4-14 and 4-15 as to the
16 custodial parent, guardian or legal custodian, but no later
17 than 30 judicial days from the date of the order of the court
18 directing shelter care.

19 (3) Any failure to comply with the time limits of
20 paragraph (b)(2) of this Section shall require the immediate
21 release of the minor from shelter care, and the time limits of
22 paragraph (b)(1) shall apply.

23 (4) Nothing in this Section prevents the minor or the
24 minor's parents or guardian from exercising their respective
25 rights to waive the time limits set forth in this Section.

26 (Source: P.A. 85-601.)

1 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

2 Sec. 4-14. Summons. (1) When a petition is filed, the
3 clerk of the court shall issue a summons with a copy of the
4 petition attached. The summons shall be directed to the
5 minor's legal guardian or custodian and to each person named
6 as a respondent in the petition, except that summons need not
7 be directed to a minor respondent under 8 years of age for whom
8 the court appoints a guardian ad litem if the guardian ad litem
9 appears on behalf of the minor in any proceeding under this
10 Act.

11 (2) The summons must contain a statement that the minor or
12 any of the respondents is entitled to have an attorney present
13 at the hearing on the petition, and that the clerk of the court
14 should be notified promptly if the minor or any other
15 respondent desires to be represented by an attorney but is
16 financially unable to employ counsel.

17 (3) The summons shall be issued under the seal of the
18 court, attested to and signed with the name of the clerk of the
19 court, dated on the day it is issued, and shall require each
20 respondent to appear and answer the petition on the date set
21 for the adjudicatory hearing.

22 (4) The summons may be served by any county sheriff,
23 coroner or probation officer, even though the officer is the
24 petitioner. The return of the summons with endorsement of
25 service by the officer is sufficient proof thereof.

1 (5) Service of a summons and petition shall be made by: (a)
2 leaving a copy thereof with the person summoned at least 3 days
3 before the time stated therein for appearance; (b) leaving a
4 copy at the summoned person's ~~his~~ usual place of abode with
5 some person of the family, of the age of 10 years or upwards,
6 and informing that person of the contents thereof, provided
7 that the officer or other person making service shall also
8 send a copy of the summons in a sealed envelope with postage
9 fully prepaid, addressed to the person summoned at the
10 person's ~~his~~ usual place of abode, at least 3 days before the
11 time stated therein for appearance; or (c) leaving a copy
12 thereof with the guardian or custodian of a minor, at least 3
13 days before the time stated therein for appearance. If the
14 guardian or custodian is an agency of the State of Illinois,
15 proper service may be made by leaving a copy of the summons and
16 petition with any administrative employee of such agency
17 designated by such agency to accept service of summons and
18 petitions. The certificate of the officer or affidavit of the
19 person that the officer or person ~~he~~ has sent the copy pursuant
20 to this Section is sufficient proof of service.

21 (6) When a parent or other person, who has signed a written
22 promise to appear and bring the minor to court or who has
23 waived or acknowledged service, fails to appear with the minor
24 on the date set by the court, a bench warrant may be issued for
25 the parent or other person, the minor, or both.

26 (7) The appearance of the minor's legal guardian or

1 custodian, or a person named as a respondent in a petition, in
2 any proceeding under this Act shall constitute a waiver of
3 service of summons and submission to the jurisdiction of the
4 court. A copy of the summons and petition shall be provided to
5 the person at the time of the person's ~~his~~ appearance.

6 (Source: P.A. 86-441.)

7 (705 ILCS 405/4-15) (from Ch. 37, par. 804-15)

8 Sec. 4-15. Notice by certified mail or publication.

9 (1) If service on individuals as provided in Section 4-14
10 is not made on any respondent within a reasonable time or if it
11 appears that any respondent resides outside the State, service
12 may be made by certified mail. In such case the clerk shall
13 mail the summons and a copy of the petition to that respondent
14 by certified mail marked for delivery to addressee only. The
15 court shall not proceed with the adjudicatory hearing until 5
16 days after such mailing. The regular return receipt for
17 certified mail is sufficient proof of service.

18 (2) If service upon individuals as provided in Section
19 4-14 is not made on any respondents within a reasonable time or
20 if any person is made a respondent under the designation of
21 "All whom it may Concern", or if service cannot be made because
22 the whereabouts of a respondent are unknown, service may be
23 made by publication. The clerk of the court as soon as possible
24 shall cause publication to be made once in a newspaper of
25 general circulation in the county where the action is pending.

1 Notice by publication is not required in any case when the
2 person alleged to have legal custody of the minor has been
3 served with summons personally or by certified mail, but the
4 court may not enter any order or judgment against any person
5 who cannot be served with process other than by publication
6 unless notice by publication is given or unless that person
7 appears. When a minor has been sheltered under Section 4-6 of
8 this Act and summons has not been served personally or by
9 certified mail within 20 days from the date of the order of
10 court directing such shelter care, the clerk of the court
11 shall cause publication. Notice by publication shall be
12 substantially as follows:

13 "A, B, C, D, (here giving the names of the named
14 respondents, if any) and to All Whom It May Concern (if there
15 is any respondent under that designation):

16 Take notice that on (insert date) a petition was filed
17 under the Juvenile Court Act of 1987 by in the circuit
18 court of county entitled 'In the interest of, a
19 minor', and that in courtroom at on the day of
20 at the hour of, or as soon thereafter as this cause
21 may be heard, an adjudicatory hearing will be held upon the
22 petition to have the child declared to be a ward of the court
23 under that Act. The court has authority in this proceeding to
24 take from you the custody and guardianship of the minor, (and
25 if the petition prays for the appointment of a guardian with
26 power to consent to adoption) and to appoint a guardian with

1 power to consent to adoption of the minor.

2 Now, unless you appear at the hearing and show cause
3 against the petition, the allegations of the petition may
4 stand admitted as against you and each of you, and an order or
5 judgment entered.

6

7 Clerk

8 Dated (insert the date of publication)"

9 (3) The clerk shall also at the time of the publication of
10 the notice send a copy thereof by mail to each of the
11 respondents on account of whom publication is made at each
12 respondent's ~~his or her~~ last known address. The certificate of
13 the clerk that the clerk ~~he or she~~ has mailed the notice is
14 evidence thereof. No other publication notice is required.
15 Every respondent notified by publication under this Section
16 must appear and answer in open court at the hearing. The court
17 may not proceed with the adjudicatory hearing until 10 days
18 after service by publication on any custodial parent, guardian
19 or legal custodian.

20 (4) If it becomes necessary to change the date set for the
21 hearing in order to comply with Section 4-14 or with this
22 Section, notice of the resetting of the date must be given, by
23 certified mail or other reasonable means, to each respondent
24 who has been served with summons personally or by certified
25 mail.

26 (Source: P.A. 91-357, eff. 7-29-99.)

1 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

2 Sec. 4-16. Guardian ad litem.

3 (1) Immediately upon the filing of a petition alleging
4 that the minor is a person described in Section 4-3 of this
5 Act, the court may appoint a guardian ad litem for the minor
6 if:

7 (a) such petition alleges that the minor is the victim
8 of sexual abuse or misconduct; or

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

17 Unless the guardian ad litem appointed pursuant to this
18 paragraph (1) is an attorney at law the guardian ad litem ~~he~~
19 shall be represented in the performance of the guardian ad
20 litem's ~~his~~ duties by counsel.

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

23 (a) no parent, guardian, custodian or relative of the
24 minor appears at the first or any subsequent hearing of
25 the case;

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

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

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

11 (4) Unless the guardian ad litem is an attorney, the
12 guardian ad litem ~~he~~ shall be represented by counsel.

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

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

19 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

20 Sec. 4-18. Continuance under supervision.

21 (1) The court may enter an order of continuance under
22 supervision (a) upon an admission or stipulation by the
23 appropriate respondent or minor respondent of the facts
24 supporting the petition and before proceeding to findings and
25 adjudication, or after hearing the evidence at the

1 adjudicatory hearing but before noting in the minutes of the
2 proceeding a finding of whether or not the minor is an addict,
3 and (b) in the absence of objection made in open court by the
4 minor, the minor's ~~his~~ parent, guardian, custodian,
5 responsible relative, defense attorney or the State's
6 Attorney.

7 (2) If the minor, the minor's ~~his~~ parent, guardian,
8 custodian, responsible relative, defense attorney or State's
9 Attorney, objects in open court to any such continuance and
10 insists upon proceeding to findings and adjudication, the
11 court shall so proceed.

12 (3) Nothing in this Section limits the power of the court
13 to order a continuance of the hearing for the production of
14 additional evidence or for any other proper reason.

15 (4) When a hearing is continued pursuant to this Section,
16 the court may permit the minor to remain in the minor's ~~his~~
17 home subject to such conditions concerning the minor's ~~his~~
18 conduct and supervision as the court may require by order.

19 (5) If a petition is filed charging a violation of a
20 condition of the continuance under supervision, the court
21 shall conduct a hearing. If the court finds that such
22 condition of supervision has not been fulfilled the court may
23 proceed to findings and adjudication and disposition. The
24 filing of a petition for violation of a condition of the
25 continuance under supervision shall toll the period of
26 continuance under supervision until the final determination of

1 the charge, and the term of the continuance under supervision
2 shall not run until the hearing and disposition of the
3 petition for violation; provided where the petition alleges
4 conduct that does not constitute a criminal offense, the
5 hearing must be held within 15 days of the filing of the
6 petition unless a delay in such hearing has been occasioned by
7 the minor, in which case the delay shall continue the tolling
8 of the period of continuance under supervision for the period
9 of such delay.

10 (6) The court must impose upon a minor under an order of
11 continuance under supervision or an order of disposition under
12 this Article IV, as a condition of the order, a fee of \$25 for
13 each month or partial month of supervision with a probation
14 officer. If the court determines the inability of the minor,
15 or the parent, guardian, or legal custodian of the minor to pay
16 the fee, the court may impose a lesser fee. The court may not
17 impose the fee on a minor who is placed in the guardianship or
18 custody of the Department of Children and Family Services
19 under this Act. The fee may be imposed only upon a minor who is
20 actively supervised by the probation and court services
21 department. The fee must be collected by the clerk of the
22 circuit court. The clerk of the circuit court must pay all
23 monies collected from this fee to the county treasurer for
24 deposit into the probation and court services fund under
25 Section 15.1 of the Probation and Probation Officers Act.

26 (Source: P.A. 100-159, eff. 8-18-17.)

1 (705 ILCS 405/4-20) (from Ch. 37, par. 804-20)

2 Sec. 4-20. Dispositional hearing; evidence; continuance.

3 (1) At the dispositional hearing, the court shall determine
4 whether it is in the best interests of the minor and the public
5 that the minor ~~he~~ be made a ward of the court, and, if the
6 minor ~~he~~ is to be made a ward of the court, the court shall
7 determine the proper disposition best serving the interests of
8 the minor and the public. All evidence helpful in determining
9 these questions, including oral and written reports, may be
10 admitted and may be relied upon to the extent of its probative
11 value, even though not competent for the purposes of the
12 adjudicatory hearing.

13 (2) Notice in compliance with Sections 4-14 and 4-15 must
14 be given to all parties-respondents prior to proceeding to a
15 dispositional hearing. Before making an order of disposition
16 the court shall advise the State's Attorney, the parents,
17 guardian, custodian or responsible relative or their counsel
18 of the factual contents and the conclusions of the reports
19 prepared for the use of the court and considered by it, and
20 afford fair opportunity, if requested, to controvert them. The
21 court may order, however, that the documents containing such
22 reports need not be submitted to inspection, or that sources
23 of confidential information need not be disclosed except to
24 the attorneys for the parties. Factual contents, conclusions,
25 documents and sources disclosed by the court under this

1 paragraph shall not be further disclosed without the express
2 approval of the court pursuant to an in camera hearing.

3 (3) A record of a prior continuance under supervision
4 under Section 4-18, whether successfully completed or not, is
5 admissible at the dispositional hearing.

6 (4) On its own motion or that of the State's Attorney, a
7 parent, guardian, custodian, responsible relative or counsel,
8 the court may adjourn the hearing for a reasonable period to
9 receive reports or other evidence. In scheduling
10 investigations and hearings, the court shall give priority to
11 proceedings in which a minor has been removed from the minor's
12 ~~his or her~~ home before an order of disposition has been made.

13 (Source: P.A. 85-601.)

14 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

15 Sec. 4-21. Kinds of dispositional orders.

16 (1) A minor found to be addicted under Section 4-3 may be
17 (a) committed to the Department of Children and Family
18 Services, subject to Section 5 of the Children and Family
19 Services Act; (b) placed under supervision and released to the
20 minor's ~~his or her~~ parents, guardian or legal custodian; (c)
21 placed in accordance with Section 4-25 with or without also
22 being placed under supervision. Conditions of supervision may
23 be modified or terminated by the court if it deems that the
24 best interests of the minor and the public will be served
25 thereby; (d) required to attend an approved alcohol or drug

1 abuse treatment or counseling program on an inpatient or
2 outpatient basis instead of or in addition to the disposition
3 otherwise provided for in this paragraph; (e) ordered
4 partially or completely emancipated in accordance with the
5 provisions of the Emancipation of Minors Act; or (f) subject
6 to having the minor's ~~his or her~~ driver's license or driving
7 privilege suspended for such time as determined by the Court
8 but only until the minor ~~he or she~~ attains 18 years of age. No
9 disposition under this subsection shall provide for the
10 minor's placement in a secure facility.

11 (2) Any order of disposition may provide for protective
12 supervision under Section 4-22 and may include an order of
13 protection under Section 4-23.

14 (3) Unless the order of disposition expressly so provides,
15 it does not operate to close proceedings on the pending
16 petition, but is subject to modification until final closing
17 and discharge of the proceedings under Section 4-29.

18 (4) In addition to any other order of disposition, the
19 court may order any minor found to be addicted under this
20 Article as neglected with respect to the minor's ~~his or her own~~
21 injurious behavior, to make restitution, in monetary or
22 non-monetary form, under the terms and conditions of Section
23 5-5-6 of the Unified Code of Corrections, except that the
24 "presentence hearing" referred to therein shall be the
25 dispositional hearing for purposes of this Section. The
26 parent, guardian or legal custodian of the minor may pay some

1 or all of such restitution on the minor's behalf.

2 (5) Any order for disposition where the minor is placed in
3 accordance with Section 4-25 shall provide for the parents or
4 guardian of the estate of such minor to pay to the legal
5 custodian or guardian of the person of the minor such sums as
6 are determined by the custodian or guardian of the person of
7 the minor as necessary for the minor's needs. Such payments
8 may not exceed the maximum amounts provided for by Section 9.1
9 of the Children and Family Services Act.

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

15 (7) The court must impose upon a minor under an order of
16 continuance under supervision or an order of disposition under
17 this Article IV, as a condition of the order, a fee of \$25 for
18 each month or partial month of supervision with a probation
19 officer. If the court determines the inability of the minor,
20 or the parent, guardian, or legal custodian of the minor to pay
21 the fee, the court may impose a lesser fee. The court may not
22 impose the fee on a minor who is placed in the guardianship or
23 custody of the Department of Children and Family Services
24 under this Act. The fee may be imposed only upon a minor who is
25 actively supervised by the probation and court services
26 department. The fee must be collected by the clerk of the

1 circuit court. The clerk of the circuit court must pay all
2 monies collected from this fee to the county treasurer for
3 deposit into the probation and court services fund under
4 Section 15.1 of the Probation and Probation Officers Act.

5 (Source: P.A. 100-159, eff. 8-18-17.)

6 (705 ILCS 405/4-22) (from Ch. 37, par. 804-22)

7 Sec. 4-22. Protective supervision. If the order of
8 disposition releases the minor to the custody of the minor's
9 ~~his~~ parents, guardian or legal custodian, or continues the
10 minor ~~him~~ in such custody, the court may place the person
11 having custody of the minor, except for representatives of
12 private or public agencies or governmental departments, under
13 supervision of the probation office. Rules or orders of the
14 court shall define the terms and conditions of protective
15 supervision, which may be modified or terminated when the
16 court finds that the best interests of the minor and the public
17 will be served thereby.

18 (Source: P.A. 85-601.)

19 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

20 Sec. 4-23. Order of protection.

21 (1) The court may make an order of protection in
22 assistance of or as a condition of any other order authorized
23 by this Act. The order of protection may set forth reasonable
24 conditions of behavior to be observed for a specified period.

1 Such an order may require a person:

2 (a) To stay away from the home or the minor;

3 (b) To permit a parent to visit the minor at stated
4 periods;

5 (c) To abstain from offensive conduct against the
6 minor, the minor's ~~his~~ parent or any person to whom
7 custody of the minor is awarded;

8 (d) To give proper attention to the care of the home;

9 (e) To cooperate in good faith with an agency to which
10 custody of a minor is entrusted by the court or with an
11 agency or association to which the minor is referred by
12 the court;

13 (f) To prohibit and prevent any contact whatsoever
14 with the respondent minor by a specified individual or
15 individuals who are alleged in either a criminal or
16 juvenile proceeding to have caused injury to a respondent
17 minor or a sibling of a respondent minor;

18 (g) To refrain from acts of commission or omission
19 that tend to make the home not a proper place for the
20 minor.

21 (2) The court shall enter an order of protection to
22 prohibit and prevent any contact between a respondent minor or
23 a sibling of a respondent minor and any person named in a
24 petition seeking an order of protection who has been convicted
25 of heinous battery or aggravated battery under subdivision
26 (a)(2) of Section 12-3.05, aggravated battery of a child or

1 aggravated battery under subdivision (b)(1) of Section
2 12-3.05, criminal sexual assault, aggravated criminal sexual
3 assault, predatory criminal sexual assault of a child,
4 criminal sexual abuse, or aggravated criminal sexual abuse as
5 described in the Criminal Code of 1961 or the Criminal Code of
6 2012, or has been convicted of an offense that resulted in the
7 death of a child, or has violated a previous order of
8 protection under this Section.

9 (3) When the court issues an order of protection against
10 any person as provided by this Section, the court shall direct
11 a copy of such order to the Sheriff of that county. The Sheriff
12 shall furnish a copy of the order of protection to the Illinois
13 State Police within 24 hours of receipt, in the form and manner
14 required by the Department. The Illinois State Police shall
15 maintain a complete record and index of such orders of
16 protection and make this data available to all local law
17 enforcement agencies.

18 (4) After notice and opportunity for hearing afforded to a
19 person subject to an order of protection, the order may be
20 modified or extended for a further specified period or both or
21 may be terminated if the court finds that the best interests of
22 the minor and the public will be served thereby.

23 (5) An order of protection may be sought at any time during
24 the course of any proceeding conducted pursuant to this Act.
25 Any person against whom an order of protection is sought may
26 retain counsel to represent the person ~~him~~ at a hearing, and

1 has rights to be present at the hearing, to be informed prior
2 to the hearing in writing of the contents of the petition
3 seeking a protective order and of the date, place and time of
4 such hearing, and to cross examine witnesses called by the
5 petitioner and to present witnesses and argument in opposition
6 to the relief sought in the petition.

7 (6) Diligent efforts shall be made by the petitioner to
8 serve any person or persons against whom any order of
9 protection is sought with written notice of the contents of
10 the petition seeking a protective order and of the date, place
11 and time at which the hearing on the petition is to be held.
12 When a protective order is being sought in conjunction with a
13 shelter care hearing, if the court finds that the person
14 against whom the protective order is being sought has been
15 notified of the hearing or that diligent efforts have been
16 made to notify such person, the court may conduct a hearing. If
17 a protective order is sought at any time other than in
18 conjunction with a shelter care hearing, the court may not
19 conduct a hearing on the petition in the absence of the person
20 against whom the order is sought unless the petitioner has
21 notified such person by personal service at least 3 days
22 before the hearing or has sent written notice by first class
23 mail to such person's last known address at least 5 days before
24 the hearing.

25 (7) A person against whom an order of protection is being
26 sought who is neither a parent, guardian, legal custodian or

1 responsible relative as described in Section 1-5 is not a
2 party or respondent as defined in that Section and shall not be
3 entitled to the rights provided therein. Such person does not
4 have a right to appointed counsel or to be present at any
5 hearing other than the hearing in which the order of
6 protection is being sought or a hearing directly pertaining to
7 that order. Unless the court orders otherwise, such person
8 does not have a right to inspect the court file.

9 (8) All protective orders entered under this Section shall
10 be in writing. Unless the person against whom the order was
11 obtained was present in court when the order was issued, the
12 sheriff, other law enforcement official or special process
13 server shall promptly serve that order upon that person and
14 file proof of such service, in the manner provided for service
15 of process in civil proceedings. The person against whom the
16 protective order was obtained may seek a modification of the
17 order by filing a written motion to modify the order within 7
18 days after actual receipt by the person of a copy of the order.
19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (705 ILCS 405/4-24) (from Ch. 37, par. 804-24)

21 Sec. 4-24. Enforcement of orders of protective supervision
22 or of protection. (1) Orders of protective supervision and
23 orders of protection may be enforced by citation to show cause
24 for contempt of court by reason of any violation thereof and,
25 where protection of the welfare of the minor so requires, by

1 the issuance of a warrant to take the alleged violator into
2 custody and bring the minor's ~~him~~ before the court.

3 (2) In any case where an order of protection has been
4 entered, the clerk of the court may issue to the petitioner, to
5 the minor or to any other person affected by the order a
6 certificate stating that an order of protection has been made
7 by the court concerning such persons and setting forth its
8 terms and requirements. The presentation of the certificate to
9 any peace officer authorizes the peace officer ~~him~~ to take
10 into custody a person charged with violating the terms of the
11 order of protection, to bring such person before the court
12 and, within the limits of the peace officer's ~~his~~ legal
13 authority ~~as such peace officer~~, otherwise to aid in securing
14 the protection the order is intended to afford.

15 (Source: P.A. 85-601.)

16 (705 ILCS 405/4-25) (from Ch. 37, par. 804-25)

17 Sec. 4-25. Placement; legal custody or guardianship.

18 (1) If the court finds that the parents, guardian or legal
19 custodian of a minor adjudged a ward of the court are unfit or
20 are unable, for some reason other than financial circumstances
21 alone, to care for, protect, train or discipline the minor or
22 are unwilling to do so, and that appropriate services aimed at
23 family preservation and family reunification have been
24 unsuccessful in rectifying the conditions which have led to a
25 finding of unfitness or inability to care for, protect, train

1 or discipline the minor, and that it is in the best interest of
2 the minor to take the minor ~~him~~ from the custody of the minor's
3 ~~his~~ parents, guardian or custodian, the court may:

4 (a) place the minor ~~him~~ in the custody of a suitable
5 relative or other person;

6 (b) place the minor ~~him~~ under the guardianship of a
7 probation officer;

8 (c) commit the minor ~~him~~ to an agency for care or
9 placement, except an institution under the authority of
10 the Department of Corrections or of the Department of
11 Children and Family Services;

12 (d) commit the minor ~~him~~ to some licensed training
13 school or industrial school; or

14 (e) commit the minor ~~him~~ to any appropriate
15 institution having among its purposes the care of
16 delinquent children, including a child protective facility
17 maintained by a Child Protection District serving the
18 county from which commitment is made, but not including
19 any institution under the authority of the Department of
20 Corrections or of the Department of Children and Family
21 Services.

22 (2) When making such placement, the court, wherever
23 possible, shall select a person holding the same religious
24 belief as that of the minor or a private agency controlled by
25 persons of like religious faith of the minor and shall require
26 the Department of Children and Family Services to otherwise

1 comply with Section 7 of the Children and Family Services Act
2 in placing the child. In addition, whenever alternative plans
3 for placement are available, the court shall ascertain and
4 consider, to the extent appropriate in the particular case,
5 the views and preferences of the minor.

6 (3) When a minor is placed with a suitable relative or
7 other person, the court shall appoint the suitable relative or
8 other person ~~him~~ the legal custodian or guardian of the person
9 of the minor. When a minor is committed to any agency, the
10 court shall appoint the proper officer or representative
11 thereof as legal custodian or guardian of the person of the
12 minor. Legal custodians and guardians of the person of the
13 minor have the respective rights and duties set forth in
14 subsection (9) of Section 1-3 except as otherwise provided by
15 order of the court; but no guardian of the person may consent
16 to adoption of the minor unless that authority is conferred
17 upon the guardian ~~him~~ in accordance with Section 4-27. An
18 agency whose representative is appointed guardian of the
19 person or legal custodian of the minor may place the minor ~~him~~
20 in any child care facility, but such facility must be licensed
21 under the Child Care Act of 1969 or have been approved by the
22 Department of Children and Family Services as meeting the
23 standards established for such licensing. After June 30, 1981,
24 no agency may place a minor, if the minor is under age 13, in a
25 child care facility unless such placement is in compliance
26 with the rules and regulations for placement under Section

1 4-25 of this Act promulgated by the Department of Children and
2 Family Services under Section 5 of the Children and Family
3 Services Act. Like authority and restrictions shall be
4 conferred by the court upon any probation officer who has been
5 appointed guardian of the person of a minor.

6 (4) No placement by any probation officer or agency whose
7 representative is appointed guardian of the person or legal
8 custodian of a minor may be made in any out of State child care
9 facility unless it complies with the Interstate Compact on the
10 Placement of Children.

11 (5) The clerk of the court shall issue to the legal
12 custodian or guardian of the person a certified copy of the
13 order of the court, as proof of the legal custodian or
14 guardian's ~~his~~ authority. No other process is necessary as
15 authority for the keeping of the minor.

16 (6) Custody or guardianship granted under this Section
17 continues until the court otherwise directs, but not after the
18 minor reaches the age of 19 years except as set forth in
19 Section 4-29.

20 (Source: P.A. 89-422.)

21 (705 ILCS 405/4-26) (from Ch. 37, par. 804-26)

22 Sec. 4-26. Court Review. (1) The court may require any
23 legal custodian or guardian of the person appointed under this
24 Act to report periodically to the court or may cite the legal
25 custodian or guardian ~~him~~ into court and require the legal

1 custodian or guardian ~~him~~ or the legal custodian's or
2 guardian's ~~his~~ agency, to make a full and accurate report of
3 the ~~his or its~~ doings of the legal custodian, guardian, or
4 agency on ~~in~~ behalf of the minor. The custodian or guardian,
5 within 10 days after such citation, shall make the report,
6 either in writing verified by affidavit or orally under oath
7 in open court, or otherwise as the court directs. Upon the
8 hearing of the report the court may remove the custodian or
9 guardian and appoint another in the legal custodian's or
10 guardian's ~~his~~ stead or restore the minor to the custody of the
11 minor's ~~his~~ parents or former guardian or custodian.

12 (2) A guardian or custodian appointed by the court
13 pursuant to this Act shall file updated case plans with the
14 court every 6 months. Every agency which has guardianship of a
15 child shall file a supplemental petition for court review, or
16 review by an administrative body appointed or approved by the
17 court and further order within 18 months of dispositional
18 order and each 18 months thereafter. Such petition shall state
19 facts relative to the child's present condition of physical,
20 mental and emotional health as well as facts relative to the
21 child's ~~his~~ present custodial or foster care. The petition
22 shall be set for hearing and the clerk shall mail 10 days
23 notice of the hearing by certified mail, return receipt
24 requested, to the person or agency having the physical custody
25 of the child, the minor and other interested parties unless a
26 written waiver of notice is filed with the petition.

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

4 (3) The minor or any person interested in the minor may
5 apply to the court for a change in custody of the minor and the
6 appointment of a new custodian or guardian of the person or for
7 the restoration of the minor to the custody of the minor's ~~his~~
8 parents or former guardian or custodian. In the event that the
9 minor has attained 18 years of age and the guardian or
10 custodian petitions the court for an order terminating the
11 minor's ~~his~~ guardianship or custody, guardianship or custody
12 shall terminate automatically 30 days after the receipt of the
13 petition unless the court orders otherwise. No legal custodian
14 or guardian of the person may be removed without the legal
15 custodian's or guardian's ~~his~~ consent until given notice and
16 an opportunity to be heard by the court.

17 (Source: P.A. 85-601.)

18 (705 ILCS 405/4-27) (from Ch. 37, par. 804-27)

19 Sec. 4-27. Adoption; appointment of guardian with power to
20 consent. (1) A ward of the court under this Act, with the
21 consent of the court, may be the subject of a petition for
22 adoption under the Adoption Act ~~"An Act in relation to the~~
23 ~~adoption of persons, and to repeal an Act therein named",~~
24 ~~approved July 17, 1959, as amended,~~ or with like consent the
25 minor's ~~his or her~~ parent or parents may, in the manner

1 required by such Act, surrender the minor ~~him or her~~ for
2 adoption to an agency legally authorized or licensed to place
3 children for adoption.

4 (2) If the petition prays and the court finds that it is in
5 the best interests of the minor that a guardian of the person
6 be appointed and authorized to consent to the adoption of the
7 minor, the court with the consent of the parents, if living, or
8 after finding, based upon clear and convincing evidence, that
9 a non-consenting parent is an unfit person as defined in
10 Section 1 of the Adoption Act ~~"An Act in relation to the~~
11 ~~adoption of persons, and to repeal an Act therein named",~~
12 ~~approved July 17, 1959, as amended,~~ may empower the guardian
13 of the person of the minor, in the order appointing the person
14 ~~him or her~~ as such guardian, to appear in court where any
15 proceedings for the adoption of the minor may at any time be
16 pending and to consent to the adoption. Such consent is
17 sufficient to authorize the court in the adoption proceedings
18 to enter a proper order or judgment of adoption without
19 further notice to, or consent by, the parents of the minor. An
20 order so empowering the guardian to consent to adoption
21 terminates parental rights, deprives the parents of the minor
22 of all legal rights as respects the minor and relieves them of
23 all parental responsibility for the minor ~~him or her~~, and
24 frees the minor from all obligations of maintenance and
25 obedience to the minor's ~~his or her~~ natural parents.

26 If the minor is over 14 years of age, the court may, in its

1 discretion, consider the wishes of the minor in determining
2 whether the best interests of the minor would be promoted by
3 the finding of the unfitness of a non-consenting parent.

4 (3) Parental consent to the order authorizing the guardian
5 of the person to consent to adoption of the Minor shall be
6 given in open court whenever possible and otherwise must be in
7 writing and signed in the form provided in the Adoption Act "~~An~~
8 ~~Act in relation to the adoption of persons, and to repeal an~~
9 ~~Act therein named", approved July 17, 1959, as amended, but no~~
10 names of petitioners for adoption need be included. A finding
11 of the unfitness of a nonconsenting parent must be made in
12 compliance with that Act and be based upon clear and
13 convincing evidence. Provisions of that Act relating to minor
14 parents and to mentally ill or mentally deficient parents
15 apply to proceedings under this Section and shall be based
16 upon clear and convincing evidence.

17 (Source: P.A. 85-601.)

18 (705 ILCS 405/4-29) (from Ch. 37, par. 804-29)

19 Sec. 4-29. Duration of wardship and discharge of
20 proceedings.

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

1 when there is satisfactory evidence presented to the court
2 that the best interest of the minor and the public require the
3 continuation of the wardship.

4 (2) Whenever the court finds that the best interests of
5 the minor and the public no longer require the wardship of the
6 court, the court shall order the wardship terminated and all
7 proceedings under this Act respecting that minor finally
8 closed and discharged. The court may at the same time continue
9 or terminate any custodianship or guardianship theretofore
10 ordered but such termination must be made in compliance with
11 Section 4-26.

12 (3) The wardship of the minor and any custodianship or
13 guardianship respecting of the minor for whom a petition was
14 filed after the effective date of this amendatory Act of 1991
15 automatically terminates when the minor ~~he~~ attains the age of
16 19 years except as set forth in subsection (1) of this Section.
17 The clerk of the court shall at that time record all
18 proceedings under this Act as finally closed and discharged
19 for that reason.

20 (Source: P.A. 87-14.)

21 (705 ILCS 405/5-101)

22 Sec. 5-101. Purpose and policy.

23 (1) It is the intent of the General Assembly to promote a
24 juvenile justice system capable of dealing with the problem of
25 juvenile delinquency, a system that will protect the

1 community, impose accountability for violations of law and
2 equip juvenile offenders with competencies to live responsibly
3 and productively. To effectuate this intent, the General
4 Assembly declares the following to be important purposes of
5 this Article:

6 (a) To protect citizens from juvenile crime.

7 (b) To hold each juvenile offender directly
8 accountable for the juvenile's ~~his or her~~ acts.

9 (c) To provide an individualized assessment of each
10 alleged and adjudicated delinquent juvenile, in order to
11 rehabilitate and to prevent further delinquent behavior
12 through the development of competency in the juvenile
13 offender. As used in this Section, "competency" means the
14 development of educational, vocational, social, emotional
15 and basic life skills which enable a minor to mature into a
16 productive member of society.

17 (d) To provide due process, as required by the
18 Constitutions of the United States and the State of
19 Illinois, through which each juvenile offender and all
20 other interested parties are assured fair hearings at
21 which legal rights are recognized and enforced.

22 (2) To accomplish these goals, juvenile justice policies
23 developed pursuant to this Article shall be designed to:

24 (a) Promote the development and implementation of
25 community-based programs designed to prevent unlawful and
26 delinquent behavior and to effectively minimize the depth

1 and duration of the minor's involvement in the juvenile
2 justice system;

3 (b) Provide secure confinement for minors who present
4 a danger to the community and make those minors understand
5 that sanctions for serious crimes, particularly violent
6 felonies, should be commensurate with the seriousness of
7 the offense and merit strong punishment;

8 (c) Protect the community from crimes committed by
9 minors;

10 (d) Provide programs and services that are
11 community-based and that are in close proximity to the
12 minor's home;

13 (e) Allow minors to reside within their homes whenever
14 possible and appropriate and provide support necessary to
15 make this possible;

16 (f) Base probation treatment planning upon individual
17 case management plans;

18 (g) Include the minor's family in the case management
19 plan;

20 (h) Provide supervision and service coordination where
21 appropriate; implement and monitor the case management
22 plan in order to discourage recidivism;

23 (i) Provide post-release services to minors who are
24 returned to their families and communities after
25 detention;

26 (j) Hold minors accountable for their unlawful

1 behavior and not allow minors to think that their
2 delinquent acts have no consequence for themselves and
3 others.

4 (3) In all procedures under this Article, minors shall
5 have all the procedural rights of adults in criminal
6 proceedings, unless specifically precluded by laws that
7 enhance the protection of such minors. Minors shall not have
8 the right to a jury trial unless specifically provided by this
9 Article.

10 (Source: P.A. 90-590, eff. 1-1-99.)

11 (705 ILCS 405/5-105)

12 Sec. 5-105. Definitions. As used in this Article:

13 (1) "Aftercare release" means the conditional and
14 revocable release of an adjudicated delinquent juvenile
15 committed to the Department of Juvenile Justice under the
16 supervision of the Department of Juvenile Justice.

17 (1.5) "Court" means the circuit court in a session or
18 division assigned to hear proceedings under this Act, and
19 includes the term Juvenile Court.

20 (2) "Community service" means uncompensated labor for
21 a community service agency as hereinafter defined.

22 (2.5) "Community service agency" means a
23 not-for-profit organization, community organization,
24 church, charitable organization, individual, public
25 office, or other public body whose purpose is to enhance

1 the physical or mental health of a delinquent minor or to
2 rehabilitate the minor, or to improve the environmental
3 quality or social welfare of the community which agrees to
4 accept community service from juvenile delinquents and to
5 report on the progress of the community service to the
6 State's Attorney pursuant to an agreement or to the court
7 or to any agency designated by the court or to the
8 authorized diversion program that has referred the
9 delinquent minor for community service.

10 (3) "Delinquent minor" means any minor who prior to
11 the minor's ~~his or her~~ 18th birthday has violated or
12 attempted to violate, regardless of where the act
13 occurred, any federal, State, county or municipal law or
14 ordinance.

15 (4) "Department" means the Department of Human
16 Services unless specifically referenced as another
17 department.

18 (5) "Detention" means the temporary care of a minor
19 who is alleged to be or has been adjudicated delinquent
20 and who requires secure custody for the minor's own
21 protection or the community's protection in a facility
22 designed to physically restrict the minor's movements,
23 pending disposition by the court or execution of an order
24 of the court for placement or commitment. Design features
25 that physically restrict movement include, but are not
26 limited to, locked rooms and the secure handcuffing of a

1 minor to a rail or other stationary object. In addition,
2 "detention" includes the court ordered care of an alleged
3 or adjudicated delinquent minor who requires secure
4 custody pursuant to Section 5-125 of this Act.

5 (6) "Diversion" means the referral of a juvenile,
6 without court intervention, into a program that provides
7 services designed to educate the juvenile and develop a
8 productive and responsible approach to living in the
9 community.

10 (7) "Juvenile detention home" means a public facility
11 with specially trained staff that conforms to the county
12 juvenile detention standards adopted by the Department of
13 Juvenile Justice.

14 (8) "Juvenile justice continuum" means a set of
15 delinquency prevention programs and services designed for
16 the purpose of preventing or reducing delinquent acts,
17 including criminal activity by youth gangs, as well as
18 intervention, rehabilitation, and prevention services
19 targeted at minors who have committed delinquent acts, and
20 minors who have previously been committed to residential
21 treatment programs for delinquents. The term includes
22 children-in-need-of-services and
23 families-in-need-of-services programs; aftercare and
24 reentry services; substance abuse and mental health
25 programs; community service programs; community service
26 work programs; and alternative-dispute resolution programs

1 serving youth-at-risk of delinquency and their families,
2 whether offered or delivered by State or local
3 governmental entities, public or private for-profit or
4 not-for-profit organizations, or religious or charitable
5 organizations. This term would also encompass any program
6 or service consistent with the purpose of those programs
7 and services enumerated in this subsection.

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

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

19 (11) "Non-secure custody" means confinement where the
20 minor is not physically restricted by being placed in a
21 locked cell or room, by being handcuffed to a rail or other
22 stationary object, or by other means. Non-secure custody
23 may include, but is not limited to, electronic monitoring,
24 foster home placement, home confinement, group home
25 placement, or physical restriction of movement or activity
26 solely through facility staff.

1 (12) "Public or community service" means uncompensated
2 labor for a not-for-profit organization or public body
3 whose purpose is to enhance physical or mental stability
4 of the offender, environmental quality or the social
5 welfare and which agrees to accept public or community
6 service from offenders and to report on the progress of
7 the offender and the public or community service to the
8 court or to the authorized diversion program that has
9 referred the offender for public or community service.
10 "Public or community service" does not include blood
11 donation or assignment to labor at a blood bank. For the
12 purposes of this Act, "blood bank" has the meaning
13 ascribed to the term in Section 2-124 of the Illinois
14 Clinical Laboratory and Blood Bank Act.

15 (13) "Sentencing hearing" means a hearing to determine
16 whether a minor should be adjudged a ward of the court, and
17 to determine what sentence should be imposed on the minor.
18 It is the intent of the General Assembly that the term
19 "sentencing hearing" replace the term "dispositional
20 hearing" and be synonymous with that definition as it was
21 used in the Juvenile Court Act of 1987.

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

25 (15) "Site" means a not-for-profit organization,
26 public body, church, charitable organization, or

1 individual agreeing to accept community service from
2 offenders and to report on the progress of ordered or
3 required public or community service to the court or to
4 the authorized diversion program that has referred the
5 offender for public or community service.

6 (16) "Station adjustment" means the informal or formal
7 handling of an alleged offender by a juvenile police
8 officer.

9 (17) "Trial" means a hearing to determine whether the
10 allegations of a petition under Section 5-520 that a minor
11 is delinquent are proved beyond a reasonable doubt. It is
12 the intent of the General Assembly that the term "trial"
13 replace the term "adjudicatory hearing" and be synonymous
14 with that definition as it was used in the Juvenile Court
15 Act of 1987.

16 The changes made to this Section by Public Act 98-61 apply
17 to violations or attempted violations committed on or after
18 January 1, 2014 (the effective date of Public Act 98-61).

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (705 ILCS 405/5-110)

21 Sec. 5-110. Parental responsibility. This Article
22 recognizes the critical role families play in the
23 rehabilitation of delinquent juveniles. Parents, guardians and
24 legal custodians shall participate in the assessment and
25 treatment of juveniles by assisting the juvenile to recognize

1 and accept responsibility for the juvenile's ~~his or her~~
2 delinquent behavior. The Court may order the parents, guardian
3 or legal custodian to take certain actions or to refrain from
4 certain actions to serve public safety, to develop competency
5 of the minor, and to promote accountability by the minor for
6 the minor's ~~his or her~~ actions.

7 (Source: P.A. 90-590, eff. 1-1-99.)

8 (705 ILCS 405/5-120)

9 Sec. 5-120. Exclusive jurisdiction. Proceedings may be
10 instituted under the provisions of this Article concerning any
11 minor who prior to the minor's ~~his or her~~ 18th birthday has
12 violated or attempted to violate, regardless of where the act
13 occurred, any federal, State, county or municipal law or
14 ordinance. Except as provided in Sections 5-125, 5-130, 5-805,
15 and 5-810 of this Article, no minor who was under 18 years of
16 age at the time of the alleged offense may be prosecuted under
17 the criminal laws of this State.

18 The changes made to this Section by this amendatory Act of
19 the 98th General Assembly apply to violations or attempted
20 violations committed on or after the effective date of this
21 amendatory Act.

22 (Source: P.A. 98-61, eff. 1-1-14.)

23 (705 ILCS 405/5-130)

24 Sec. 5-130. Excluded jurisdiction.

1 (1) (a) The definition of delinquent minor under Section
2 5-120 of this Article shall not apply to any minor who at the
3 time of an offense was at least 16 years of age and who is
4 charged with: (i) first degree murder, (ii) aggravated
5 criminal sexual assault, or (iii) aggravated battery with a
6 firearm as described in Section 12-4.2 or subdivision (e) (1),
7 (e) (2), (e) (3), or (e) (4) of Section 12-3.05 where the minor
8 personally discharged a firearm as defined in Section 2-15.5
9 of the Criminal Code of 1961 or the Criminal Code of 2012.

10 These charges and all other charges arising out of the
11 same incident shall be prosecuted under the criminal laws of
12 this State.

13 (b) (i) If before trial or plea an information or
14 indictment is filed that does not charge an offense specified
15 in paragraph (a) of this subsection (1) the State's Attorney
16 may proceed on any lesser charge or charges, but only in
17 Juvenile Court under the provisions of this Article. The
18 State's Attorney may proceed on a lesser charge if before
19 trial the minor defendant knowingly and with advice of counsel
20 waives, in writing, the minor's ~~his or her~~ right to have the
21 matter proceed in Juvenile Court.

22 (ii) If before trial or plea an information or indictment
23 is filed that includes one or more charges specified in
24 paragraph (a) of this subsection (1) and additional charges
25 that are not specified in that paragraph, all of the charges
26 arising out of the same incident shall be prosecuted under the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 (c) (i) If after trial or plea the minor is convicted of any
3 offense covered by paragraph (a) of this subsection (1), then,
4 in sentencing the minor, the court shall sentence the minor
5 under Section 5-4.5-105 of the Unified Code of Corrections.

6 (ii) If after trial or plea the court finds that the minor
7 committed an offense not covered by paragraph (a) of this
8 subsection (1), that finding shall not invalidate the verdict
9 or the prosecution of the minor under the criminal laws of the
10 State; however, unless the State requests a hearing for the
11 purpose of sentencing the minor under Chapter V of the Unified
12 Code of Corrections, the Court must proceed under Sections
13 5-705 and 5-710 of this Article. To request a hearing, the
14 State must file a written motion within 10 days following the
15 entry of a finding or the return of a verdict. Reasonable
16 notice of the motion shall be given to the minor or the minor's
17 ~~his or her~~ counsel. If the motion is made by the State, the
18 court shall conduct a hearing to determine if the minor should
19 be sentenced under Chapter V of the Unified Code of
20 Corrections. In making its determination, the court shall
21 consider among other matters: (a) whether there is evidence
22 that the offense was committed in an aggressive and
23 premeditated manner; (b) the age of the minor; (c) the
24 previous history of the minor; (d) whether there are
25 facilities particularly available to the Juvenile Court or the
26 Department of Juvenile Justice for the treatment and

1 rehabilitation of the minor; (e) whether the security of the
2 public requires sentencing under Chapter V of the Unified Code
3 of Corrections; and (f) whether the minor possessed a deadly
4 weapon when committing the offense. The rules of evidence
5 shall be the same as if at trial. If after the hearing the
6 court finds that the minor should be sentenced under Chapter V
7 of the Unified Code of Corrections, then the court shall
8 sentence the minor under Section 5-4.5-105 of the Unified Code
9 of Corrections.

10 (2) (Blank).

11 (3) (Blank).

12 (4) (Blank).

13 (5) (Blank).

14 (6) (Blank).

15 (7) The procedures set out in this Article for the
16 investigation, arrest and prosecution of juvenile offenders
17 shall not apply to minors who are excluded from jurisdiction
18 of the Juvenile Court, except that minors under 18 years of age
19 shall be kept separate from confined adults.

20 (8) Nothing in this Act prohibits or limits the
21 prosecution of any minor for an offense committed on or after
22 the minor's ~~his or her~~ 18th birthday even though the minor ~~he~~
23 ~~or she~~ is at the time of the offense a ward of the court.

24 (9) If an original petition for adjudication of wardship
25 alleges the commission by a minor 13 years of age or over of an
26 act that constitutes a crime under the laws of this State, the

1 minor, with the consent of the minor's ~~his or her~~ counsel, may,
2 at any time before commencement of the adjudicatory hearing,
3 file with the court a motion that criminal prosecution be
4 ordered and that the petition be dismissed insofar as the act
5 or acts involved in the criminal proceedings are concerned. If
6 such a motion is filed as herein provided, the court shall
7 enter its order accordingly.

8 (10) If, prior to August 12, 2005 (the effective date of
9 Public Act 94-574), a minor is charged with a violation of
10 Section 401 of the Illinois Controlled Substances Act under
11 the criminal laws of this State, other than a minor charged
12 with a Class X felony violation of the Illinois Controlled
13 Substances Act or the Methamphetamine Control and Community
14 Protection Act, any party including the minor or the court sua
15 sponte may, before trial, move for a hearing for the purpose of
16 trying and sentencing the minor as a delinquent minor. To
17 request a hearing, the party must file a motion prior to trial.
18 Reasonable notice of the motion shall be given to all parties.
19 On its own motion or upon the filing of a motion by one of the
20 parties including the minor, the court shall conduct a hearing
21 to determine whether the minor should be tried and sentenced
22 as a delinquent minor under this Article. In making its
23 determination, the court shall consider among other matters:

24 (a) The age of the minor;

25 (b) Any previous delinquent or criminal history of the
26 minor;

1 (c) Any previous abuse or neglect history of the
2 minor;

3 (d) Any mental health or educational history of the
4 minor, or both; and

5 (e) Whether there is probable cause to support the
6 charge, whether the minor is charged through
7 accountability, and whether there is evidence the minor
8 possessed a deadly weapon or caused serious bodily harm
9 during the offense.

10 Any material that is relevant and reliable shall be
11 admissible at the hearing. In all cases, the judge shall enter
12 an order permitting prosecution under the criminal laws of
13 Illinois unless the judge makes a finding based on a
14 preponderance of the evidence that the minor would be amenable
15 to the care, treatment, and training programs available
16 through the facilities of the juvenile court based on an
17 evaluation of the factors listed in this subsection (10).

18 (11) The changes made to this Section by Public Act 98-61
19 apply to a minor who has been arrested or taken into custody on
20 or after January 1, 2014 (the effective date of Public Act
21 98-61).

22 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14;
23 99-258, eff. 1-1-16.)

24 (705 ILCS 405/5-145)

25 Sec. 5-145. Cooperation of agencies; Serious Habitual

1 Offender Comprehensive Action Program.

2 (a) The Serious Habitual Offender Comprehensive Action
3 Program (SHOCAP) is a multi-disciplinary interagency case
4 management and information sharing system that enables the
5 juvenile justice system, schools, and social service agencies
6 to make more informed decisions regarding a small number of
7 juveniles who repeatedly commit serious delinquent acts.

8 (b) Each county in the State of Illinois, other than Cook
9 County, may establish a multi-disciplinary agency (SHOCAP)
10 committee. In Cook County, each subcircuit or group of
11 subcircuits may establish a multi-disciplinary agency (SHOCAP)
12 committee. The committee shall consist of representatives from
13 the following agencies: local law enforcement, area school
14 district, state's attorney's office, and court services
15 (probation).

16 The chairperson ~~chairman~~ may appoint additional members to
17 the committee as deemed appropriate to accomplish the goals of
18 this program, including, but not limited to, representatives
19 from the juvenile detention center, mental health, the
20 Illinois Department of Children and Family Services,
21 Department of Human Services and community representatives at
22 large.

23 (c) The SHOCAP committee shall adopt, by a majority of the
24 members:

25 (1) criteria that will identify those who qualify as a
26 serious habitual juvenile offender; and

1 (2) a written interagency information sharing
2 agreement to be signed by the chief executive officer of
3 each of the agencies represented on the committee. The
4 interagency information sharing agreement shall include a
5 provision that requires that all records pertaining to a
6 serious habitual offender (SHO) shall be confidential.
7 Disclosure of information may be made to other staff from
8 member agencies as authorized by the SHOCAP committee for
9 the furtherance of case management and tracking of the
10 SHO. Staff from the member agencies who receive this
11 information shall be governed by the confidentiality
12 provisions of this Act. The staff from the member agencies
13 who will qualify to have access to the SHOCAP information
14 must be limited to those individuals who provide direct
15 services to the SHO or who provide supervision of the SHO.

16 (d) The Chief Juvenile Circuit Judge, or the Chief Circuit
17 Judge, or ~~the his or her~~ designee of the Chief Juvenile Circuit
18 Judge or Chief Circuit Judge, may issue a comprehensive
19 information sharing court order. The court order shall allow
20 agencies who are represented on the SHOCAP committee and whose
21 chief executive officer has signed the interagency information
22 sharing agreement to provide and disclose information to the
23 SHOCAP committee. The sharing of information will ensure the
24 coordination and cooperation of all agencies represented in
25 providing case management and enhancing the effectiveness of
26 the SHOCAP efforts.

1 (e) Any person or agency who is participating in good
2 faith in the sharing of SHOCAP information under this Act
3 shall have immunity from any liability, civil, criminal, or
4 otherwise, that might result by reason of the type of
5 information exchanged. For the purpose of any proceedings,
6 civil or criminal, the good faith of any person or agency
7 permitted to share SHOCAP information under this Act shall be
8 presumed.

9 (f) All reports concerning SHOCAP clients made available
10 to members of the SHOCAP committee and all records generated
11 from these reports shall be confidential and shall not be
12 disclosed, except as specifically authorized by this Act or
13 other applicable law. It is a Class A misdemeanor to permit,
14 assist, or encourage the unauthorized release of any
15 information contained in SHOCAP reports or records.

16 (Source: P.A. 90-590, eff. 1-1-99.)

17 (705 ILCS 405/5-150)

18 (Text of Section before amendment by P.A. 101-652)

19 Sec. 5-150. Admissibility of evidence and adjudications in
20 other proceedings.

21 (1) Evidence and adjudications in proceedings under this
22 Act shall be admissible:

23 (a) in subsequent proceedings under this Act
24 concerning the same minor; or

25 (b) in criminal proceedings when the court is to

1 determine the amount of bail, fitness of the defendant or
2 in sentencing under the Unified Code of Corrections; or

3 (c) in proceedings under this Act or in criminal
4 proceedings in which anyone who has been adjudicated
5 delinquent under Section 5-105 is to be a witness
6 including the minor or defendant if the minor or defendant
7 ~~he or she~~ testifies, and then only for purposes of
8 impeachment and pursuant to the rules of evidence for
9 criminal trials; or

10 (d) in civil proceedings concerning causes of action
11 arising out of the incident or incidents which initially
12 gave rise to the proceedings under this Act.

13 (2) No adjudication or disposition under this Act shall
14 operate to disqualify a minor from subsequently holding public
15 office nor shall operate as a forfeiture of any right,
16 privilege or right to receive any license granted by public
17 authority.

18 (3) The court which adjudicated that a minor has committed
19 any offense relating to motor vehicles prescribed in Sections
20 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
21 Secretary of State of that adjudication and the notice shall
22 constitute sufficient grounds for revoking that minor's
23 driver's license or permit as provided in Section 6-205 of the
24 Illinois Vehicle Code; no minor shall be considered a criminal
25 by reason thereof, nor shall any such adjudication be
26 considered a conviction.

1 (Source: P.A. 90-590, eff. 1-1-99.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 5-150. Admissibility of evidence and adjudications in
4 other proceedings.

5 (1) Evidence and adjudications in proceedings under this
6 Act shall be admissible:

7 (a) in subsequent proceedings under this Act
8 concerning the same minor; or

9 (b) in criminal proceedings when the court is to
10 determine the conditions of pretrial release, fitness of
11 the defendant or in sentencing under the Unified Code of
12 Corrections; or

13 (c) in proceedings under this Act or in criminal
14 proceedings in which anyone who has been adjudicated
15 delinquent under Section 5-105 is to be a witness
16 including the minor or defendant if the minor or defendant
17 ~~he or she~~ testifies, and then only for purposes of
18 impeachment and pursuant to the rules of evidence for
19 criminal trials; or

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6 Secretary of State of that adjudication and the notice shall
7 constitute sufficient grounds for revoking that minor's
8 driver's license or permit as provided in Section 6-205 of the
9 Illinois Vehicle Code; no minor shall be considered a criminal
10 by reason thereof, nor shall any such adjudication be
11 considered a conviction.

12 (Source: P.A. 101-652, eff. 1-1-23.)

13 (705 ILCS 405/5-155)

14 Sec. 5-155. Any weapon in possession of a minor found to be
15 a delinquent under Section 5-105 for an offense involving the
16 use of a weapon or for being in possession of a weapon during
17 the commission of an offense shall be confiscated and disposed
18 of by the juvenile court whether the weapon is the property of
19 the minor or the minor's ~~his or her~~ parent or guardian.
20 Disposition of the weapon by the court shall be in accordance
21 with Section 24-6 of the Criminal Code of 2012.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

23 (705 ILCS 405/5-160)

24 Sec. 5-160. Liability for injury, loss, or tortious acts.

1 Neither the State or any unit of local government, probation
2 department, or public or community service program or site,
3 nor any official, volunteer, or employee of the State or a unit
4 of local government, probation department, public or community
5 service program or site acting in the course of performing his
6 ~~or her~~ official duties shall be liable for any injury or loss a
7 person might receive while performing public or community
8 service as ordered either (1) by the court or (2) by any duly
9 authorized station adjustment or probation adjustment, teen
10 court, community mediation, or other administrative diversion
11 program authorized by this Act for a violation of a penal
12 statute of this State or a local government ordinance (whether
13 penal, civil, or quasi-criminal) or for a traffic offense, nor
14 shall they be liable for any tortious acts of any person
15 performing public or community service, except for willful
16 ~~willful~~, wanton misconduct or gross negligence on the part of
17 the governmental unit, probation department, or public or
18 community service program or site or on the part of the
19 official, volunteer, or employee.

20 (Source: P.A. 91-820, eff. 6-13-00; 92-16, eff. 6-28-01.)

21 (705 ILCS 405/5-170)

22 Sec. 5-170. Representation by counsel.

23 (a) In a proceeding under this Article, a minor who was
24 under 15 years of age at the time of the commission of an act
25 that if committed by an adult would be a violation of Section

1 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
3 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
4 must be represented by counsel throughout the entire custodial
5 interrogation of the minor.

6 (b) In a judicial proceeding under this Article, a minor
7 may not waive the right to the assistance of counsel in the
8 minor's ~~his or her~~ defense.

9 (Source: P.A. 99-882, eff. 1-1-17.)

10 (705 ILCS 405/5-301)

11 Sec. 5-301. Station adjustments. A minor arrested for any
12 offense or a violation of a condition of previous station
13 adjustment may receive a station adjustment for that arrest as
14 provided herein. In deciding whether to impose a station
15 adjustment, either informal or formal, a juvenile police
16 officer shall consider the following factors:

17 (A) The seriousness of the alleged offense.

18 (B) The prior history of delinquency of the minor.

19 (C) The age of the minor.

20 (D) The culpability of the minor in committing the
21 alleged offense.

22 (E) Whether the offense was committed in an aggressive
23 or premeditated manner.

24 (F) Whether the minor used or possessed a deadly
25 weapon when committing the alleged offenses.

1 (1) Informal station adjustment.

2 (a) An informal station adjustment is defined as a
3 procedure when a juvenile police officer determines that
4 there is probable cause to believe that the minor has
5 committed an offense.

6 (b) A minor shall receive no more than 3 informal
7 station adjustments statewide for a misdemeanor offense
8 within 3 years without prior approval from the State's
9 Attorney's Office.

10 (c) A minor shall receive no more than 3 informal
11 station adjustments statewide for a felony offense within
12 3 years without prior approval from the State's Attorney's
13 Office.

14 (d) A minor shall receive a combined total of no more
15 than 5 informal station adjustments statewide during the
16 person's ~~his or her~~ minority.

17 (e) The juvenile police officer may make reasonable
18 conditions of an informal station adjustment which may
19 include but are not limited to:

20 (i) Curfew.

21 (ii) Conditions restricting entry into designated
22 geographical areas.

23 (iii) No contact with specified persons.

24 (iv) School attendance.

25 (v) Performing up to 25 hours of community service
26 work.

1 (vi) Community mediation.

2 (vii) Teen court or a peer court.

3 (viii) Restitution limited to 90 days.

4 (f) If the minor refuses or fails to abide by the
5 conditions of an informal station adjustment, the juvenile
6 police officer may impose a formal station adjustment or
7 refer the matter to the State's Attorney's Office.

8 (g) An informal station adjustment does not constitute
9 an adjudication of delinquency or a criminal conviction.
10 Beginning January 1, 2000, a record shall be maintained
11 with the Illinois State Police for informal station
12 adjustments for offenses that would be a felony if
13 committed by an adult, and may be maintained if the
14 offense would be a misdemeanor.

15 (2) Formal station adjustment.

16 (a) A formal station adjustment is defined as a
17 procedure when a juvenile police officer determines that
18 there is probable cause to believe the minor has committed
19 an offense and an admission by the minor of involvement in
20 the offense.

21 (b) The minor and parent, guardian, or legal custodian
22 must agree in writing to the formal station adjustment and
23 must be advised of the consequences of violation of any
24 term of the agreement.

25 (c) The minor and parent, guardian or legal custodian
26 shall be provided a copy of the signed agreement of the

1 formal station adjustment. The agreement shall include:

2 (i) The offense which formed the basis of the
3 formal station adjustment.

4 (ii) An acknowledgment that the terms of the
5 formal station adjustment and the consequences for
6 violation have been explained.

7 (iii) An acknowledgment that the formal station
8 adjustments record may be expunged under Section 5-915
9 of this Act.

10 (iv) An acknowledgment that the minor understands
11 that the minor's ~~his or her~~ admission of involvement
12 in the offense may be admitted into evidence in future
13 court hearings.

14 (v) A statement that all parties understand the
15 terms and conditions of formal station adjustment and
16 agree to the formal station adjustment process.

17 (d) Conditions of the formal station adjustment may
18 include, but are not limited to:

19 (i) The time shall not exceed 120 days.

20 (ii) The minor shall not violate any laws.

21 (iii) The juvenile police officer may require the
22 minor to comply with additional conditions for the
23 formal station adjustment which may include but are
24 not limited to:

25 (a) Attending school.

26 (b) Abiding by a set curfew.

1 (c) Payment of restitution.

2 (d) Refraining from possessing a firearm or
3 other weapon.

4 (e) Reporting to a police officer at
5 designated times and places, including reporting
6 and verification that the minor is at home at
7 designated hours.

8 (f) Performing up to 25 hours of community
9 service work.

10 (g) Refraining from entering designated
11 geographical areas.

12 (h) Participating in community mediation.

13 (i) Participating in teen court or peer court.

14 (j) Refraining from contact with specified
15 persons.

16 (e) A formal station adjustment does not constitute an
17 adjudication of delinquency or a criminal conviction.
18 Beginning January 1, 2000, a record shall be maintained
19 with the Illinois State Police for formal station
20 adjustments.

21 (f) A minor or the minor's parent, guardian, or legal
22 custodian, or both the minor and the minor's parent,
23 guardian, or legal custodian, may refuse a formal station
24 adjustment and have the matter referred for court action
25 or other appropriate action.

26 (g) A minor or the minor's parent, guardian, or legal

1 custodian, or both the minor and the minor's parent,
2 guardian, or legal custodian, may within 30 days of the
3 commencement of the formal station adjustment revoke their
4 consent and have the matter referred for court action or
5 other appropriate action. This revocation must be in
6 writing and personally served upon the police officer or
7 the police officer's ~~his or her~~ supervisor.

8 (h) The admission of the minor as to involvement in
9 the offense shall be admissible at further court hearings
10 as long as the statement would be admissible under the
11 rules of evidence.

12 (i) If the minor violates any term or condition of the
13 formal station adjustment the juvenile police officer
14 shall provide written notice of violation to the minor and
15 the minor's parent, guardian, or legal custodian. After
16 consultation with the minor and the minor's parent,
17 guardian, or legal custodian, the juvenile police officer
18 may take any of the following steps upon violation:

19 (i) Warn the minor of consequences of continued
20 violations and continue the formal station adjustment.

21 (ii) Extend the period of the formal station
22 adjustment up to a total of 180 days.

23 (iii) Extend the hours of community service work
24 up to a total of 40 hours.

25 (iv) Terminate the formal station adjustment
26 unsatisfactorily and take no other action.

1 (v) Terminate the formal station adjustment
2 unsatisfactorily and refer the matter to the juvenile
3 court.

4 (j) A minor shall receive no more than 2 formal
5 station adjustments statewide for a felony offense without
6 the State's Attorney's approval within a 3 year period.

7 (k) A minor shall receive no more than 3 formal
8 station adjustments statewide for a misdemeanor offense
9 without the State's Attorney's approval within a 3 year
10 period.

11 (l) The total for formal station adjustments statewide
12 within the period of minority may not exceed 4 without the
13 State's Attorney's approval.

14 (m) If the minor is arrested in a jurisdiction where
15 the minor does not reside, the formal station adjustment
16 may be transferred to the jurisdiction where the minor
17 does reside upon written agreement of that jurisdiction to
18 monitor the formal station adjustment.

19 (3) Beginning January 1, 2000, the juvenile police officer
20 making a station adjustment shall assure that information
21 about any offense which would constitute a felony if committed
22 by an adult and may assure that information about a
23 misdemeanor is transmitted to the Illinois State Police.

24 (4) The total number of station adjustments, both formal
25 and informal, shall not exceed 9 without the State's
26 Attorney's approval for any minor arrested anywhere in the

1 State.

2 (Source: P.A. 102-538, eff. 8-20-21.)

3 (705 ILCS 405/5-305)

4 Sec. 5-305. Probation adjustment.

5 (1) The court may authorize the probation officer to
6 confer in a preliminary conference with a minor who is alleged
7 to have committed an offense, the minor's ~~his or her~~ parent,
8 guardian or legal custodian, the victim, the juvenile police
9 officer, the State's Attorney, and other interested persons
10 concerning the advisability of filing a petition under Section
11 5-520, with a view to adjusting suitable cases without the
12 filing of a petition as provided for in this Article, the
13 probation officer should schedule a conference promptly except
14 when the State's Attorney insists on court action or when the
15 minor has indicated that the minor ~~he or she~~ will demand a
16 judicial hearing and will not comply with a probation
17 adjustment.

18 (1-b) In any case of a minor who is in custody, the holding
19 of a probation adjustment conference does not operate to
20 prolong temporary custody beyond the period permitted by
21 Section 5-415.

22 (2) This Section does not authorize any probation officer
23 to compel any person to appear at any conference, produce any
24 papers, or visit any place.

25 (3) No statement made during a preliminary conference in

1 regard to the offense that is the subject of the conference may
2 be admitted into evidence at an adjudicatory hearing or at any
3 proceeding against the minor under the criminal laws of this
4 State prior to the minor's ~~his or her~~ conviction under those
5 laws.

6 (4) When a probation adjustment is appropriate, the
7 probation officer shall promptly formulate a written,
8 non-judicial adjustment plan following the initial conference.

9 (5) Non-judicial probation adjustment plans include but
10 are not limited to the following:

11 (a) up to 6 months informal supervision within the
12 family;

13 (b) up to 12 months informal supervision with a
14 probation officer involved which may include any
15 conditions of probation provided in Section 5-715;

16 (c) up to 6 months informal supervision with release
17 to a person other than a parent;

18 (d) referral to special educational, counseling, or
19 other rehabilitative social or educational programs;

20 (e) referral to residential treatment programs;

21 (f) participation in a public or community service
22 program or activity; and

23 (g) any other appropriate action with the consent of
24 the minor and a parent.

25 (6) The factors to be considered by the probation officer
26 in formulating a non-judicial probation adjustment plan shall

1 be the same as those limited in subsection (4) of Section
2 5-405.

3 (7) Beginning January 1, 2000, the probation officer who
4 imposes a probation adjustment plan shall assure that
5 information about an offense which would constitute a felony
6 if committed by an adult, and may assure that information
7 about a misdemeanor offense, is transmitted to the Illinois
8 State Police.

9 (8) If the minor fails to comply with any term or condition
10 of the non-judicial probation adjustment, the matter shall be
11 referred to the State's Attorney for determination of whether
12 a petition under this Article shall be filed.

13 (Source: P.A. 102-538, eff. 8-20-21.)

14 (705 ILCS 405/5-310)

15 Sec. 5-310. Community mediation program.

16 (1) Program purpose. The purpose of community mediation is
17 to provide a system by which minors who commit delinquent acts
18 may be dealt with in a speedy and informal manner at the
19 community or neighborhood level. The goal is to make the
20 juvenile understand the seriousness of the juvenile's ~~his or~~
21 ~~her~~ actions and the effect that a crime has on the minor, the
22 minor's ~~his or her~~ family, the minor's ~~his or her~~ victim and
23 the minor's ~~his or her~~ community. In addition, this system
24 offers a method to reduce the ever-increasing instances of
25 delinquent acts while permitting the judicial system to deal

1 effectively with cases that are more serious in nature.

2 (2) Community mediation panels. The State's Attorney, or
3 an entity designated by the State's Attorney, may establish
4 community mediation programs designed to provide citizen
5 participation in addressing juvenile delinquency. The State's
6 Attorney, or the State's Attorney's ~~his or her~~ designee, shall
7 maintain a list of qualified persons who have agreed to serve
8 as community mediators. To the maximum extent possible, panel
9 membership shall reflect the social-economic, racial and
10 ethnic make-up of the community in which the panel sits. The
11 panel shall consist of members with a diverse background in
12 employment, education and life experience.

13 (3) Community mediation cases.

14 (a) Community mediation programs shall provide one or
15 more community mediation panels to informally hear cases
16 that are referred by a police officer as a station
17 adjustment, or a probation officer as a probation
18 adjustment, or referred by the State's Attorney as a
19 diversion from prosecution.

20 (b) Minors who are offered the opportunity to
21 participate in the program must admit responsibility for
22 the offense to be eligible for the program.

23 (4) Disposition of cases. Subsequent to any hearing held,
24 the community mediation panel may:

25 (a) Refer the minor for placement in a community-based
26 nonresidential program.

1 (b) Refer the minor or the minor's family to community
2 counseling.

3 (c) Require the minor to perform up to 100 hours of
4 community service.

5 (d) Require the minor to make restitution in money or
6 in kind in a case involving property damage; however, the
7 amount of restitution shall not exceed the amount of
8 actual damage to property.

9 (e) Require the minor and the minor's ~~his or her~~
10 parent, guardian, or legal custodian to undergo an
11 approved screening for substance abuse or use, or both. If
12 the screening indicates a need, a drug and alcohol
13 assessment of the minor and the minor's ~~his or her~~ parent,
14 guardian, or legal custodian shall be conducted by an
15 entity licensed by the Department of Human Services, as a
16 successor to the Department of Alcoholism and Substance
17 Abuse. The minor and the minor's ~~his or her~~ parent,
18 guardian, or legal custodian shall adhere to and complete
19 all recommendations to obtain drug and alcohol treatment
20 and counseling resulting from the assessment.

21 (f) Require the minor to attend school.

22 (g) Require the minor to attend tutorial sessions.

23 (h) Impose any other restrictions or sanctions that
24 are designed to encourage responsible and acceptable
25 behavior and are agreed upon by the participants of the
26 community mediation proceedings.

1 (5) The agreement shall run no more than 6 months. All
2 community mediation panel members and observers are required
3 to sign the following oath of confidentiality prior to
4 commencing community mediation proceedings:

5 "I solemnly swear or affirm that I will not
6 divulge, either by words or signs, any information
7 about the case which comes to my knowledge in the
8 course of a community mediation presentation and that
9 I will keep secret all proceedings which may be held in
10 my presence.

11 Further, I understand that if I break
12 confidentiality by telling anyone else the names of
13 community mediation participants, except for
14 information pertaining to the community mediation
15 panelists themselves, or any other specific details of
16 the case which may identify that juvenile, I will no
17 longer be able to serve as a community mediation panel
18 member or observer."

19 (6) The State's Attorney shall adopt rules and procedures
20 governing administration of the program.

21 (Source: P.A. 90-590, eff. 1-1-99.)

22 (705 ILCS 405/5-401)

23 Sec. 5-401. Arrest and taking into custody of a minor.

24 (1) A law enforcement officer may, without a warrant,

25 (a) arrest a minor whom the officer with probable

1 cause believes to be a delinquent minor; or

2 (b) take into custody a minor who has been adjudged a
3 ward of the court and has escaped from any commitment
4 ordered by the court under this Act; or

5 (c) take into custody a minor whom the officer
6 reasonably believes has violated the conditions of
7 probation or supervision ordered by the court.

8 (2) Whenever a petition has been filed under Section 5-520
9 and the court finds that the conduct and behavior of the minor
10 may endanger the health, person, welfare, or property of the
11 minor or others or that the circumstances of the minor's ~~his or~~
12 ~~her~~ home environment may endanger the minor's ~~his or her~~
13 health, person, welfare or property, a warrant may be issued
14 immediately to take the minor into custody.

15 (3) Except for minors accused of violation of an order of
16 the court, any minor accused of any act under federal or State
17 law, or a municipal or county ordinance that would not be
18 illegal if committed by an adult, cannot be placed in a jail,
19 municipal lockup, detention center, or secure correctional
20 facility. Juveniles accused with underage consumption and
21 underage possession of alcohol or cannabis cannot be placed in
22 a jail, municipal lockup, detention center, or correctional
23 facility.

24 (Source: P.A. 101-27, eff. 6-25-19.)

25 (705 ILCS 405/5-401.5)

1 Sec. 5-401.5. When statements by minor may be used.

2 (a) In this Section, "custodial interrogation" means any
3 interrogation (i) during which a reasonable person in the
4 subject's position would consider the subject ~~himself or~~
5 ~~herself~~ to be in custody and (ii) during which a question is
6 asked that is reasonably likely to elicit an incriminating
7 response.

8 In this Section, "electronic recording" includes motion
9 picture, audiotape, videotape, or digital recording.

10 In this Section, "place of detention" means a building or
11 a police station that is a place of operation for a municipal
12 police department or county sheriff department or other law
13 enforcement agency at which persons are or may be held in
14 detention in connection with criminal charges against those
15 persons or allegations that those persons are delinquent
16 minors.

17 (a-5) An oral, written, or sign language statement of a
18 minor, who at the time of the commission of the offense was
19 under 18 years of age, is presumed to be inadmissible when the
20 statement is obtained from the minor while the minor is
21 subject to custodial interrogation by a law enforcement
22 officer, State's Attorney, juvenile officer, or other public
23 official or employee prior to the officer, State's Attorney,
24 public official, or employee:

25 (1) continuously reads to the minor, in its entirety
26 and without stopping for purposes of a response from the

1 minor or verifying comprehension, the following statement:
2 "You have the right to remain silent. That means you do not
3 have to say anything. Anything you do say can be used
4 against you in court. You have the right to get help from a
5 lawyer. If you cannot pay for a lawyer, the court will get
6 you one for free. You can ask for a lawyer at any time. You
7 have the right to stop this interview at any time."; and

8 (2) after reading the statement required by paragraph
9 (1) of this subsection (a-5), the public official or
10 employee shall ask the minor the following questions and
11 wait for the minor's response to each question:

12 (A) "Do you want to have a lawyer?"

13 (B) "Do you want to talk to me?"

14 (b) An oral, written, or sign language statement of a
15 minor who, at the time of the commission of the offense was
16 under the age of 18 years, made as a result of a custodial
17 interrogation conducted at a police station or other place of
18 detention on or after the effective date of this amendatory
19 Act of the 99th General Assembly shall be presumed to be
20 inadmissible as evidence against the minor in any criminal
21 proceeding or juvenile court proceeding, for an act that if
22 committed by an adult would be a misdemeanor offense under
23 Article 11 of the Criminal Code of 2012 or any felony offense
24 unless:

25 (1) an electronic recording is made of the custodial
26 interrogation; and

1 (2) the recording is substantially accurate and not
2 intentionally altered.

3 (b-5) (Blank).

4 (b-10) If, during the course of an electronically recorded
5 custodial interrogation conducted under this Section of a
6 minor who, at the time of the commission of the offense was
7 under the age of 18 years, the minor makes a statement that
8 creates a reasonable suspicion to believe the minor has
9 committed an act that if committed by an adult would be an
10 offense other than an offense required to be recorded under
11 subsection (b), the interrogators may, without the minor's
12 consent, continue to record the interrogation as it relates to
13 the other offense notwithstanding any provision of law to the
14 contrary. Any oral, written, or sign language statement of a
15 minor made as a result of an interrogation under this
16 subsection shall be presumed to be inadmissible as evidence
17 against the minor in any criminal proceeding or juvenile court
18 proceeding, unless the recording is substantially accurate and
19 not intentionally altered.

20 (c) Every electronic recording made under this Section
21 must be preserved until such time as the minor's adjudication
22 for any offense relating to the statement is final and all
23 direct and habeas corpus appeals are exhausted, or the
24 prosecution of such offenses is barred by law.

25 (d) If the court finds, by a preponderance of the
26 evidence, that the minor was subjected to a custodial

1 interrogation in violation of this Section, then any
2 statements made by the minor during or following that
3 non-recorded custodial interrogation, even if otherwise in
4 compliance with this Section, are presumed to be inadmissible
5 in any criminal proceeding or juvenile court proceeding
6 against the minor except for the purposes of impeachment.

7 (e) Nothing in this Section precludes the admission (i) of
8 a statement made by the minor in open court in any criminal
9 proceeding or juvenile court proceeding, before a grand jury,
10 or at a preliminary hearing, (ii) of a statement made during a
11 custodial interrogation that was not recorded as required by
12 this Section because electronic recording was not feasible,
13 (iii) of a voluntary statement, whether or not the result of a
14 custodial interrogation, that has a bearing on the credibility
15 of the accused as a witness, (iv) of a spontaneous statement
16 that is not made in response to a question, (v) of a statement
17 made after questioning that is routinely asked during the
18 processing of the arrest of the suspect, (vi) of a statement
19 made during a custodial interrogation by a suspect who
20 requests, prior to making the statement, to respond to the
21 interrogator's questions only if an electronic recording is
22 not made of the statement, provided that an electronic
23 recording is made of the statement of agreeing to respond to
24 the interrogator's question, only if a recording is not made
25 of the statement, (vii) of a statement made during a custodial
26 interrogation that is conducted out-of-state, (viii) of a

1 statement given in violation of subsection (b) at a time when
2 the interrogators are unaware that a death has in fact
3 occurred, (ix) (blank), or (x) of any other statement that may
4 be admissible under law. The State shall bear the burden of
5 proving, by a preponderance of the evidence, that one of the
6 exceptions described in this subsection (e) is applicable.
7 Nothing in this Section precludes the admission of a
8 statement, otherwise inadmissible under this Section, that is
9 used only for impeachment and not as substantive evidence.

10 (f) The presumption of inadmissibility of a statement made
11 by a suspect at a custodial interrogation at a police station
12 or other place of detention may be overcome by a preponderance
13 of the evidence that the statement was voluntarily given and
14 is reliable, based on the totality of the circumstances.

15 (g) Any electronic recording of any statement made by a
16 minor during a custodial interrogation that is compiled by any
17 law enforcement agency as required by this Section for the
18 purposes of fulfilling the requirements of this Section shall
19 be confidential and exempt from public inspection and copying,
20 as provided under Section 7 of the Freedom of Information Act,
21 and the information shall not be transmitted to anyone except
22 as needed to comply with this Section.

23 (h) A statement, admission, confession, or incriminating
24 information made by or obtained from a minor related to the
25 instant offense, as part of any behavioral health screening,
26 assessment, evaluation, or treatment, whether or not

1 court-ordered, shall not be admissible as evidence against the
2 minor on the issue of guilt only in the instant juvenile court
3 proceeding. The provisions of this subsection (h) are in
4 addition to and do not override any existing statutory and
5 constitutional prohibition on the admission into evidence in
6 delinquency proceedings of information obtained during
7 screening, assessment, or treatment.

8 (i) The changes made to this Section by Public Act 98-61
9 apply to statements of a minor made on or after January 1, 2014
10 (the effective date of Public Act 98-61).

11 (Source: P.A. 98-61, eff. 1-1-14; 98-547, eff. 1-1-14; 98-756,
12 eff. 7-16-14; 99-882, eff. 1-1-17.)

13 (705 ILCS 405/5-401.6)

14 Sec. 5-401.6. Prohibition of deceptive tactics.

15 (a) In this Section:

16 "Custodial interrogation" means any interrogation (i)
17 during which a reasonable person in the subject's position
18 would consider the subject ~~himself or herself~~ to be in custody
19 and (ii) during which a question is asked that is reasonably
20 likely to elicit an incriminating response.

21 "Deception" means the knowing communication of false facts
22 about evidence or unauthorized statements regarding leniency
23 by a law enforcement officer or juvenile officer to a subject
24 of custodial interrogation.

25 "Place of detention" means a building or a police station

1 that is a place of operation for a municipal police department
2 or county sheriff department or other law enforcement agency
3 at which persons are or may be held in detention in connection
4 with criminal charges against those persons or allegations
5 that those persons are delinquent minors.

6 (b) An oral, written, or sign language confession of a
7 minor, who at the time of the commission of the offense was
8 under 18 years of age, made as a result of a custodial
9 interrogation conducted at a police station or other place of
10 detention on or after the effective date of this amendatory
11 Act of the 102nd General Assembly shall be presumed to be
12 inadmissible as evidence against the minor making the
13 confession in a criminal proceeding or a juvenile court
14 proceeding for an act that if committed by an adult would be a
15 misdemeanor offense under Article 11 of the Criminal Code of
16 2012 or a felony offense under the Criminal Code of 2012 if,
17 during the custodial interrogation, a law enforcement officer
18 or juvenile officer knowingly engages in deception.

19 (c) The presumption of inadmissibility of a confession of
20 a minor, who at the time of the commission of the offense was
21 under 18 years of age, at a custodial interrogation at a police
22 station or other place of detention, when such confession is
23 procured through the knowing use of deception, may be overcome
24 by a preponderance of the evidence that the confession was
25 voluntarily given, based on the totality of the circumstances.

26 (d) The burden of going forward with the evidence and the

1 burden of proving that a confession was voluntary shall be on
2 the State. Objection to the failure of the State to call all
3 material witnesses on the issue of whether the confession was
4 voluntary must be made in the trial court.

5 (Source: P.A. 102-101, eff. 1-1-22.)

6 (705 ILCS 405/5-405)

7 Sec. 5-405. Duty of officer; admissions by minor.

8 (1) A law enforcement officer who arrests a minor with a
9 warrant shall immediately make a reasonable attempt to notify
10 the parent or other person legally responsible for the minor's
11 care or the person with whom the minor resides that the minor
12 has been arrested and where the minor ~~he or she~~ is being held.
13 The minor shall be delivered without unnecessary delay to the
14 court or to the place designated by rule or order of court for
15 the reception of minors.

16 (2) A law enforcement officer who arrests a minor without
17 a warrant under Section 5-401 shall, if the minor is not
18 released, immediately make a reasonable attempt to notify the
19 parent or other person legally responsible for the minor's
20 care or the person with whom the minor resides that the minor
21 has been arrested and where the minor is being held; and the
22 law enforcement officer shall without unnecessary delay take
23 the minor to the nearest juvenile police officer designated
24 for these purposes in the county of venue or shall surrender
25 the minor to a juvenile police officer in the city or village

1 where the offense is alleged to have been committed. If a minor
2 is taken into custody for an offense which would be a
3 misdemeanor if committed by an adult, the law enforcement
4 officer, upon determining the true identity of the minor, may
5 release the minor to the parent or other person legally
6 responsible for the minor's care or the person with whom the
7 minor resides. If a minor is so released, the law enforcement
8 officer shall promptly notify a juvenile police officer of the
9 circumstances of the custody and release.

10 (3) The juvenile police officer may take one of the
11 following actions:

12 (a) station adjustment and release of the minor;

13 (b) release the minor to the minor's ~~his or her~~
14 parents and refer the case to Juvenile Court;

15 (c) if the juvenile police officer reasonably believes
16 that there is an urgent and immediate necessity to keep
17 the minor in custody, the juvenile police officer shall
18 deliver the minor without unnecessary delay to the court
19 or to the place designated by rule or order of court for
20 the reception of minors;

21 (d) any other appropriate action with consent of the
22 minor or a parent.

23 (4) The factors to be considered in determining whether to
24 release or keep a minor in custody shall include:

25 (a) the nature of the allegations against the minor;

26 (b) the minor's history and present situation;

1 (c) the history of the minor's family and the family's
2 present situation;

3 (d) the educational and employment status of the
4 minor;

5 (e) the availability of special resource or community
6 services to aid or counsel the minor;

7 (f) the minor's past involvement with and progress in
8 social programs;

9 (g) the attitude of complainant and community toward
10 the minor; and

11 (h) the present attitude of the minor and family.

12 (5) The records of law enforcement officers concerning all
13 minors taken into custody under this Act shall be maintained
14 separate from the records of arrests of adults and may not be
15 inspected by or disclosed to the public except pursuant to
16 Section 5-901 and Section 5-905.

17 (Source: P.A. 90-590, eff. 1-1-99.)

18 (705 ILCS 405/5-407)

19 Sec. 5-407. Processing of juvenile in possession of a
20 firearm.

21 (a) If a law enforcement officer detains a minor pursuant
22 to Section 10-27.1A of the School Code, the officer shall
23 deliver the minor to the nearest juvenile officer, in the
24 manner prescribed by subsection (2) of Section 5-405 of this
25 Act. The juvenile officer shall deliver the minor without

1 unnecessary delay to the court or to the place designated by
2 rule or order of court for the reception of minors. In no event
3 shall the minor be eligible for any other disposition by the
4 juvenile police officer, notwithstanding the provisions of
5 subsection (3) of Section 5-405 of this Act.

6 (b) Minors shall be brought before a judicial officer
7 within 40 hours, exclusive of Saturdays, Sundays, and
8 court-designated holidays, for a detention hearing to
9 determine whether the minor ~~he or she~~ shall be further held in
10 custody. If the court finds that there is probable cause to
11 believe that the minor is a delinquent minor by virtue of the
12 minor's ~~his or her~~ violation of item (4) of subsection (a) of
13 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
14 of 2012 while on school grounds, that finding shall create a
15 presumption that immediate and urgent necessity exists under
16 subdivision (2) of Section 5-501 of this Act. Once the
17 presumption of immediate and urgent necessity has been raised,
18 the burden of demonstrating the lack of immediate and urgent
19 necessity shall be on any party that is opposing detention for
20 the minor. Should the court order detention pursuant to this
21 Section, the minor shall be detained, pending the results of a
22 court-ordered psychological evaluation to determine if the
23 minor is a risk to the minor ~~himself, herself,~~ or others. Upon
24 receipt of the psychological evaluation, the court shall
25 review the determination regarding the existence of urgent and
26 immediate necessity. The court shall consider the

1 psychological evaluation in conjunction with the other factors
2 identified in subdivision (2) of Section 5-501 of this Act in
3 order to make a de novo determination regarding whether it is a
4 matter of immediate and urgent necessity for the protection of
5 the minor or of the person or property of another that the
6 minor be detained or placed in a shelter care facility. In
7 addition to the pre-trial conditions found in Section 5-505 of
8 this Act, the court may order the minor to receive counseling
9 and any other services recommended by the psychological
10 evaluation as a condition for release of the minor.

11 (c) Upon making a determination that the student presents
12 a risk to the student ~~himself, herself,~~ or others, the court
13 shall issue an order restraining the student from entering the
14 property of the school if the student ~~he or she~~ has been
15 suspended or expelled from the school as a result of
16 possessing a firearm. The order shall restrain the student
17 from entering the school and school owned or leased property,
18 including any conveyance owned, leased, or contracted by the
19 school to transport students to or from school or a
20 school-related activity. The order shall remain in effect
21 until such time as the court determines that the student no
22 longer presents a risk to the student ~~himself, herself,~~ or
23 others.

24 (d) Psychological evaluations ordered pursuant to
25 subsection (b) of this Section and statements made by the
26 minor during the course of these evaluations, shall not be

1 admissible on the issue of delinquency during the course of
2 any adjudicatory hearing held under this Act.

3 (e) In this Section:

4 "School" means any public or private elementary or
5 secondary school.

6 "School grounds" includes the real property comprising any
7 school, any conveyance owned, leased, or contracted by a
8 school to transport students to or from school or a
9 school-related activity, or any public way within 1,000 feet
10 of the real property comprising any school.

11 (Source: P.A. 99-258, eff. 1-1-16.)

12 (705 ILCS 405/5-410)

13 Sec. 5-410. Non-secure custody or detention.

14 (1) Any minor arrested or taken into custody pursuant to
15 this Act who requires care away from the minor's ~~his or her~~
16 home but who does not require physical restriction shall be
17 given temporary care in a foster family home or other shelter
18 facility designated by the court.

19 (2) (a) Any minor 10 years of age or older arrested
20 pursuant to this Act where there is probable cause to believe
21 that the minor is a delinquent minor and that (i) secure
22 custody is a matter of immediate and urgent necessity for the
23 protection of the minor or of the person or property of
24 another, (ii) the minor is likely to flee the jurisdiction of
25 the court, or (iii) the minor was taken into custody under a

1 warrant, may be kept or detained in an authorized detention
2 facility. A minor under 13 years of age shall not be admitted,
3 kept, or detained in a detention facility unless a local youth
4 service provider, including a provider through the
5 Comprehensive Community Based Youth Services network, has been
6 contacted and has not been able to accept the minor. No minor
7 under 12 years of age shall be detained in a county jail or a
8 municipal lockup for more than 6 hours.

9 (a-5) For a minor arrested or taken into custody for
10 vehicular hijacking or aggravated vehicular hijacking, a
11 previous finding of delinquency for vehicular hijacking or
12 aggravated vehicular hijacking shall be given greater weight
13 in determining whether secured custody of a minor is a matter
14 of immediate and urgent necessity for the protection of the
15 minor or of the person or property of another.

16 (b) The written authorization of the probation officer or
17 detention officer (or other public officer designated by the
18 court in a county having 3,000,000 or more inhabitants)
19 constitutes authority for the superintendent of any juvenile
20 detention home to detain and keep a minor for up to 40 hours,
21 excluding Saturdays, Sundays, and court-designated holidays.
22 These records shall be available to the same persons and
23 pursuant to the same conditions as are law enforcement records
24 as provided in Section 5-905.

25 (b-4) The consultation required by paragraph (b-5) shall
26 not be applicable if the probation officer or detention

1 officer (or other public officer designated by the court in a
2 county having 3,000,000 or more inhabitants) utilizes a
3 scorable detention screening instrument, which has been
4 developed with input by the State's Attorney, to determine
5 whether a minor should be detained, however, paragraph (b-5)
6 shall still be applicable where no such screening instrument
7 is used or where the probation officer, detention officer (or
8 other public officer designated by the court in a county
9 having 3,000,000 or more inhabitants) deviates from the
10 screening instrument.

11 (b-5) Subject to the provisions of paragraph (b-4), if a
12 probation officer or detention officer (or other public
13 officer designated by the court in a county having 3,000,000
14 or more inhabitants) does not intend to detain a minor for an
15 offense which constitutes one of the following offenses, the
16 probation officer or detention officer (or other public
17 officer designated by the court in a county having 3,000,000
18 or more inhabitants) ~~he or she~~ shall consult with the State's
19 Attorney's Office prior to the release of the minor: first
20 degree murder, second degree murder, involuntary manslaughter,
21 criminal sexual assault, aggravated criminal sexual assault,
22 aggravated battery with a firearm as described in Section
23 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
24 Section 12-3.05, aggravated or heinous battery involving
25 permanent disability or disfigurement or great bodily harm,
26 robbery, aggravated robbery, armed robbery, vehicular

1 hijacking, aggravated vehicular hijacking, vehicular invasion,
2 arson, aggravated arson, kidnapping, aggravated kidnapping,
3 home invasion, burglary, or residential burglary.

4 (c) Except as otherwise provided in paragraph (a), (d), or
5 (e), no minor shall be detained in a county jail or municipal
6 lockup for more than 12 hours, unless the offense is a crime of
7 violence in which case the minor may be detained up to 24
8 hours. For the purpose of this paragraph, "crime of violence"
9 has the meaning ascribed to it in Section 1-10 of the
10 Alcoholism and Other Drug Abuse and Dependency Act.

11 (i) The period of detention is deemed to have begun
12 once the minor has been placed in a locked room or cell or
13 handcuffed to a stationary object in a building housing a
14 county jail or municipal lockup. Time spent transporting a
15 minor is not considered to be time in detention or secure
16 custody.

17 (ii) Any minor so confined shall be under periodic
18 supervision and shall not be permitted to come into or
19 remain in contact with adults in custody in the building.

20 (iii) Upon placement in secure custody in a jail or
21 lockup, the minor shall be informed of the purpose of the
22 detention, the time it is expected to last and the fact
23 that it cannot exceed the time specified under this Act.

24 (iv) A log shall be kept which shows the offense which
25 is the basis for the detention, the reasons and
26 circumstances for the decision to detain, and the length

1 of time the minor was in detention.

2 (v) Violation of the time limit on detention in a
3 county jail or municipal lockup shall not, in and of
4 itself, render inadmissible evidence obtained as a result
5 of the violation of this time limit. Minors under 18 years
6 of age shall be kept separate from confined adults and may
7 not at any time be kept in the same cell, room, or yard
8 with adults confined pursuant to criminal law. Persons 18
9 years of age and older who have a petition of delinquency
10 filed against them may be confined in an adult detention
11 facility. In making a determination whether to confine a
12 person 18 years of age or older who has a petition of
13 delinquency filed against the person, these factors, among
14 other matters, shall be considered:

15 (A) the age of the person;

16 (B) any previous delinquent or criminal history of
17 the person;

18 (C) any previous abuse or neglect history of the
19 person; and

20 (D) any mental health or educational history of
21 the person, or both.

22 (d) (i) If a minor 12 years of age or older is confined in
23 a county jail in a county with a population below 3,000,000
24 inhabitants, then the minor's confinement shall be implemented
25 in such a manner that there will be no contact by sight, sound,
26 or otherwise between the minor and adult prisoners. Minors 12

1 years of age or older must be kept separate from confined
2 adults and may not at any time be kept in the same cell, room,
3 or yard with confined adults. This paragraph (d)(i) shall only
4 apply to confinement pending an adjudicatory hearing and shall
5 not exceed 40 hours, excluding Saturdays, Sundays, and
6 court-designated holidays. To accept or hold minors during
7 this time period, county jails shall comply with all
8 monitoring standards adopted by the Department of Corrections
9 and training standards approved by the Illinois Law
10 Enforcement Training Standards Board.

11 (ii) To accept or hold minors, 12 years of age or older,
12 after the time period prescribed in paragraph (d)(i) of this
13 subsection (2) of this Section but not exceeding 7 days
14 including Saturdays, Sundays, and holidays pending an
15 adjudicatory hearing, county jails shall comply with all
16 temporary detention standards adopted by the Department of
17 Corrections and training standards approved by the Illinois
18 Law Enforcement Training Standards Board.

19 (iii) To accept or hold minors 12 years of age or older,
20 after the time period prescribed in paragraphs (d)(i) and
21 (d)(ii) of this subsection (2) of this Section, county jails
22 shall comply with all county juvenile detention standards
23 adopted by the Department of Juvenile Justice.

24 (e) When a minor who is at least 15 years of age is
25 prosecuted under the criminal laws of this State, the court
26 may enter an order directing that the juvenile be confined in

1 the county jail. However, any juvenile confined in the county
2 jail under this provision shall be separated from adults who
3 are confined in the county jail in such a manner that there
4 will be no contact by sight, sound or otherwise between the
5 juvenile and adult prisoners.

6 (f) For purposes of appearing in a physical lineup, the
7 minor may be taken to a county jail or municipal lockup under
8 the direct and constant supervision of a juvenile police
9 officer. During such time as is necessary to conduct a lineup,
10 and while supervised by a juvenile police officer, the sight
11 and sound separation provisions shall not apply.

12 (g) For purposes of processing a minor, the minor may be
13 taken to a county jail or municipal lockup under the direct and
14 constant supervision of a law enforcement officer or
15 correctional officer. During such time as is necessary to
16 process the minor, and while supervised by a law enforcement
17 officer or correctional officer, the sight and sound
18 separation provisions shall not apply.

19 (3) If the probation officer or State's Attorney (or such
20 other public officer designated by the court in a county
21 having 3,000,000 or more inhabitants) determines that the
22 minor may be a delinquent minor as described in subsection (3)
23 of Section 5-105, and should be retained in custody but does
24 not require physical restriction, the minor may be placed in
25 non-secure custody for up to 40 hours pending a detention
26 hearing.

1 (4) Any minor taken into temporary custody, not requiring
2 secure detention, may, however, be detained in the home of the
3 minor's ~~his or her~~ parent or guardian subject to such
4 conditions as the court may impose.

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

9 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

10 (705 ILCS 405/5-415)

11 Sec. 5-415. Setting of detention or shelter care hearing;
12 release.

13 (1) Unless sooner released, a minor alleged to be a
14 delinquent minor taken into temporary custody must be brought
15 before a judicial officer within 40 hours for a detention or
16 shelter care hearing to determine whether the minor ~~he or she~~
17 shall be further held in custody. If a minor alleged to be a
18 delinquent minor taken into custody is hospitalized or is
19 receiving treatment for a physical or mental condition, and is
20 unable to be brought before a judicial officer for a detention
21 or shelter care hearing, the 40 hour period will not commence
22 until the minor is released from the hospital or place of
23 treatment. If the minor gives false information to law
24 enforcement officials regarding the minor's identity or age,
25 the 40 hour period will not commence until the court rules that

1 the minor is subject to this Act and not subject to prosecution
2 under the Criminal Code of 1961 or the Criminal Code of 2012.
3 Any other delay attributable to a minor alleged to be a
4 delinquent minor who is taken into temporary custody shall act
5 to toll the 40 hour time period. The 40 hour time period shall
6 be tolled to allow counsel for the minor to prepare for the
7 detention or shelter care hearing, upon a motion filed by such
8 counsel and granted by the court. In all cases, the 40 hour
9 time period is exclusive of Saturdays, Sundays and
10 court-designated holidays.

11 (2) If the State's Attorney or probation officer (or other
12 public officer designated by the court in a county having more
13 than 3,000,000 inhabitants) determines that the minor should
14 be retained in custody, the probation officer or such other
15 public officer designated by the court ~~he or she~~ shall cause a
16 petition to be filed as provided in Section 5-520 of this
17 Article, and the clerk of the court shall set the matter for
18 hearing on the detention or shelter care hearing calendar.
19 Immediately upon the filing of a petition in the case of a
20 minor retained in custody, the court shall cause counsel to be
21 appointed to represent the minor. When a parent, legal
22 guardian, custodian, or responsible relative is present and so
23 requests, the detention or shelter care hearing shall be held
24 immediately if the court is in session and the State is ready
25 to proceed, otherwise at the earliest feasible time. In no
26 event shall a detention or shelter care hearing be held until

1 the minor has had adequate opportunity to consult with
2 counsel. The probation officer or such other public officer
3 designated by the court in a county having more than 3,000,000
4 inhabitants shall notify the minor's parent, legal guardian,
5 custodian, or responsible relative of the time and place of
6 the hearing. The notice may be given orally.

7 (3) The minor must be released from custody at the
8 expiration of the 40 hour period specified by this Section if
9 not brought before a judicial officer within that period.

10 (4) After the initial 40 hour period has lapsed, the court
11 may review the minor's custodial status at any time prior to
12 the trial or sentencing hearing. If during this time period
13 new or additional information becomes available concerning the
14 minor's conduct, the court may conduct a hearing to determine
15 whether the minor should be placed in a detention or shelter
16 care facility. If the court finds that there is probable cause
17 that the minor is a delinquent minor and that it is a matter of
18 immediate and urgent necessity for the protection of the minor
19 or of the person or property of another, or that the minor ~~he~~
20 ~~or she~~ is likely to flee the jurisdiction of the court, the
21 court may order that the minor be placed in detention or
22 shelter care.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (705 ILCS 405/5-501)

25 (Text of Section before amendment by P.A. 102-654)

1 Sec. 5-501. Detention or shelter care hearing. At the
2 appearance of the minor before the court at the detention or
3 shelter care hearing, the court shall receive all relevant
4 information and evidence, including affidavits concerning the
5 allegations made in the petition. Evidence used by the court
6 in its findings or stated in or offered in connection with this
7 Section may be by way of proffer based on reliable information
8 offered by the State or minor. All evidence shall be
9 admissible if it is relevant and reliable regardless of
10 whether it would be admissible under the rules of evidence
11 applicable at a trial. No hearing may be held unless the minor
12 is represented by counsel and no hearing shall be held until
13 the minor has had adequate opportunity to consult with
14 counsel.

15 (1) If the court finds that there is not probable cause to
16 believe that the minor is a delinquent minor it shall release
17 the minor and dismiss the petition.

18 (2) If the court finds that there is probable cause to
19 believe that the minor is a delinquent minor, the minor, the
20 minor's ~~his or her~~ parent, guardian, custodian and other
21 persons able to give relevant testimony may be examined before
22 the court. The court may also consider any evidence by way of
23 proffer based upon reliable information offered by the State
24 or the minor. All evidence, including affidavits, shall be
25 admissible if it is relevant and reliable regardless of
26 whether it would be admissible under the rules of evidence

1 applicable at trial. After such evidence is presented, the
2 court may enter an order that the minor shall be released upon
3 the request of a parent, guardian or legal custodian if the
4 parent, guardian or custodian appears to take custody.

5 If the court finds that it is a matter of immediate and
6 urgent necessity for the protection of the minor or of the
7 person or property of another that the minor be detained or
8 placed in a shelter care facility or that the minor ~~he or she~~
9 is likely to flee the jurisdiction of the court, the court may
10 prescribe detention or shelter care and order that the minor
11 be kept in a suitable place designated by the court or in a
12 shelter care facility designated by the Department of Children
13 and Family Services or a licensed child welfare agency;
14 otherwise it shall release the minor from custody. If the
15 court prescribes shelter care, then in placing the minor, the
16 Department or other agency shall, to the extent compatible
17 with the court's order, comply with Section 7 of the Children
18 and Family Services Act. In making the determination of the
19 existence of immediate and urgent necessity, the court shall
20 consider among other matters: (a) the nature and seriousness
21 of the alleged offense; (b) the minor's record of delinquency
22 offenses, including whether the minor has delinquency cases
23 pending; (c) the minor's record of willful failure to appear
24 following the issuance of a summons or warrant; (d) the
25 availability of non-custodial alternatives, including the
26 presence of a parent, guardian or other responsible relative

1 able and willing to provide supervision and care for the minor
2 and to assure the minor's ~~his or her~~ compliance with a summons.
3 If the minor is ordered placed in a shelter care facility of a
4 licensed child welfare agency, the court shall, upon request
5 of the agency, appoint the appropriate agency executive
6 temporary custodian of the minor and the court may enter such
7 other orders related to the temporary custody of the minor as
8 it deems fit and proper.

9 The order together with the court's findings of fact in
10 support of the order shall be entered of record in the court.

11 Once the court finds that it is a matter of immediate and
12 urgent necessity for the protection of the minor that the
13 minor be placed in a shelter care facility, the minor shall not
14 be returned to the parent, custodian or guardian until the
15 court finds that the placement is no longer necessary for the
16 protection of the minor.

17 (3) Only when there is reasonable cause to believe that
18 the minor taken into custody is a delinquent minor may the
19 minor be kept or detained in a facility authorized for
20 juvenile detention. This Section shall in no way be construed
21 to limit subsection (4).

22 (4) Minors 12 years of age or older must be kept separate
23 from confined adults and may not at any time be kept in the
24 same cell, room or yard with confined adults. This paragraph
25 (4):

26 (a) shall only apply to confinement pending an

1 adjudicatory hearing and shall not exceed 40 hours,
2 excluding Saturdays, Sundays, and court designated
3 holidays. To accept or hold minors during this time
4 period, county jails shall comply with all monitoring
5 standards adopted by the Department of Corrections and
6 training standards approved by the Illinois Law
7 Enforcement Training Standards Board.

8 (b) To accept or hold minors, 12 years of age or older,
9 after the time period prescribed in clause (a) of
10 subsection (4) of this Section but not exceeding 7 days
11 including Saturdays, Sundays, and holidays, pending an
12 adjudicatory hearing, county jails shall comply with all
13 temporary detention standards adopted by the Department of
14 Corrections and training standards approved by the
15 Illinois Law Enforcement Training Standards Board.

16 (c) To accept or hold minors 12 years of age or older,
17 after the time period prescribed in clause (a) and (b), of
18 this subsection county jails shall comply with all county
19 juvenile detention standards adopted by the Department of
20 Juvenile Justice.

21 (5) If the minor is not brought before a judicial officer
22 within the time period as specified in Section 5-415 the minor
23 must immediately be released from custody.

24 (6) If neither the parent, guardian or legal custodian
25 appears within 24 hours to take custody of a minor released
26 from detention or shelter care, then the clerk of the court

1 shall set the matter for rehearing not later than 7 days after
2 the original order and shall issue a summons directed to the
3 parent, guardian or legal custodian to appear. At the same
4 time the probation department shall prepare a report on the
5 minor. If a parent, guardian or legal custodian does not
6 appear at such rehearing, the judge may enter an order
7 prescribing that the minor be kept in a suitable place
8 designated by the Department of Human Services or a licensed
9 child welfare agency. The time during which a minor is in
10 custody after being released upon the request of a parent,
11 guardian or legal custodian shall be considered as time spent
12 in detention for purposes of scheduling the trial.

13 (7) Any party, including the State, the temporary
14 custodian, an agency providing services to the minor or family
15 under a service plan pursuant to Section 8.2 of the Abused and
16 Neglected Child Reporting Act, foster parent, or any of their
17 representatives, may file a motion to modify or vacate a
18 temporary custody order or vacate a detention or shelter care
19 order on any of the following grounds:

20 (a) It is no longer a matter of immediate and urgent
21 necessity that the minor remain in detention or shelter
22 care; or

23 (b) There is a material change in the circumstances of
24 the natural family from which the minor was removed; or

25 (c) A person, including a parent, relative or legal
26 guardian, is capable of assuming temporary custody of the

1 minor; or

2 (d) Services provided by the Department of Children
3 and Family Services or a child welfare agency or other
4 service provider have been successful in eliminating the
5 need for temporary custody.

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

12 (8) Whenever a petition has been filed under Section 5-520
13 the court can, at any time prior to trial or sentencing, order
14 that the minor be placed in detention or a shelter care
15 facility after the court conducts a hearing and finds that the
16 conduct and behavior of the minor may endanger the health,
17 person, welfare, or property of the minor ~~himself~~ or others or
18 that the circumstances of the minor's ~~his or her~~ home
19 environment may endanger the minor's ~~his or her~~ health,
20 person, welfare or property.

21 (Source: P.A. 98-685, eff. 1-1-15.)

22 (Text of Section after amendment by P.A. 102-654)

23 Sec. 5-501. Detention or shelter care hearing. At the
24 appearance of the minor before the court at the detention or
25 shelter care hearing, the court shall receive all relevant

1 information and evidence, including affidavits concerning the
2 allegations made in the petition. Evidence used by the court
3 in its findings or stated in or offered in connection with this
4 Section may be by way of proffer based on reliable information
5 offered by the State or minor. All evidence shall be
6 admissible if it is relevant and reliable regardless of
7 whether it would be admissible under the rules of evidence
8 applicable at a trial. No hearing may be held unless the minor
9 is represented by counsel and no hearing shall be held until
10 the minor has had adequate opportunity to consult with
11 counsel.

12 (1) If the court finds that there is not probable cause to
13 believe that the minor is a delinquent minor it shall release
14 the minor and dismiss the petition.

15 (2) If the court finds that there is probable cause to
16 believe that the minor is a delinquent minor, the minor, the
17 minor's ~~his or her~~ parent, guardian, custodian and other
18 persons able to give relevant testimony may be examined before
19 the court. The court may also consider any evidence by way of
20 proffer based upon reliable information offered by the State
21 or the minor. All evidence, including affidavits, shall be
22 admissible if it is relevant and reliable regardless of
23 whether it would be admissible under the rules of evidence
24 applicable at trial. After such evidence is presented, the
25 court may enter an order that the minor shall be released upon
26 the request of a parent, guardian or legal custodian if the

1 parent, guardian or custodian appears to take custody.

2 If the court finds that it is a matter of immediate and
3 urgent necessity for the protection of the minor or of the
4 person or property of another that the minor be detained or
5 placed in a shelter care facility or that the minor ~~he or she~~
6 is likely to flee the jurisdiction of the court, the court may
7 prescribe detention or shelter care and order that the minor
8 be kept in a suitable place designated by the court or in a
9 shelter care facility designated by the Department of Children
10 and Family Services or a licensed child welfare agency;
11 otherwise it shall release the minor from custody. If the
12 court prescribes shelter care, then in placing the minor, the
13 Department or other agency shall, to the extent compatible
14 with the court's order, comply with Section 7 of the Children
15 and Family Services Act. In making the determination of the
16 existence of immediate and urgent necessity, the court shall
17 consider among other matters: (a) the nature and seriousness
18 of the alleged offense; (b) the minor's record of delinquency
19 offenses, including whether the minor has delinquency cases
20 pending; (c) the minor's record of willful failure to appear
21 following the issuance of a summons or warrant; (d) the
22 availability of non-custodial alternatives, including the
23 presence of a parent, guardian or other responsible relative
24 able and willing to provide supervision and care for the minor
25 and to assure the minor's ~~his or her~~ compliance with a summons.
26 If the minor is ordered placed in a shelter care facility of a

1 licensed child welfare agency, the court shall, upon request
2 of the agency, appoint the appropriate agency executive
3 temporary custodian of the minor and the court may enter such
4 other orders related to the temporary custody of the minor as
5 it deems fit and proper.

6 If the Court prescribes detention, and the minor is a
7 youth in care of the Department of Children and Family
8 Services, a hearing shall be held every 14 days to determine
9 whether there is an urgent and immediate necessity to detain
10 the minor for the protection of the person or property of
11 another. If urgent and immediate necessity is not found on the
12 basis of the protection of the person or property of another,
13 the minor shall be released to the custody of the Department of
14 Children and Family Services. If the Court prescribes
15 detention based on the minor being likely to flee the
16 jurisdiction, and the minor is a youth in care of the
17 Department of Children and Family Services, a hearing shall be
18 held every 7 days for status on the location of shelter care
19 placement by the Department of Children and Family Services.
20 Detention shall not be used as a shelter care placement for
21 minors in the custody or guardianship of the Department of
22 Children and Family Services.

23 The order together with the court's findings of fact in
24 support of the order 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

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

5 (3) Only when there is reasonable cause to believe that
6 the minor taken into custody is a delinquent minor may the
7 minor be kept or detained in a facility authorized for
8 juvenile detention. This Section shall in no way be construed
9 to limit subsection (4).

10 (4) Minors 12 years of age or older must be kept separate
11 from confined adults and may not at any time be kept in the
12 same cell, room or yard with confined adults. This paragraph
13 (4):

14 (a) shall only apply to confinement pending an
15 adjudicatory hearing and shall not exceed 40 hours,
16 excluding Saturdays, Sundays, and court designated
17 holidays. To accept or hold minors during this time
18 period, county jails shall comply with all monitoring
19 standards adopted by the Department of Corrections and
20 training standards approved by the Illinois Law
21 Enforcement Training Standards Board.

22 (b) To accept or hold minors, 12 years of age or older,
23 after the time period prescribed in clause (a) of
24 subsection (4) of this Section but not exceeding 7 days
25 including Saturdays, Sundays, and holidays, pending an
26 adjudicatory hearing, county jails shall comply with all

1 temporary detention standards adopted by the Department of
2 Corrections and training standards approved by the
3 Illinois Law Enforcement Training Standards Board.

4 (c) To accept or hold minors 12 years of age or older,
5 after the time period prescribed in clause (a) and (b), of
6 this subsection county jails shall comply with all county
7 juvenile detention standards adopted by the Department of
8 Juvenile Justice.

9 (5) If the minor is not brought before a judicial officer
10 within the time period as specified in Section 5-415 the minor
11 must immediately be released from custody.

12 (6) If neither the parent, guardian or legal custodian
13 appears within 24 hours to take custody of a minor released
14 from detention or shelter care, then the clerk of the court
15 shall set the matter for rehearing not later than 7 days after
16 the original order and shall issue a summons directed to the
17 parent, guardian or legal custodian to appear. At the same
18 time the probation department shall prepare a report on the
19 minor. If a parent, guardian or legal custodian does not
20 appear at such rehearing, the judge may enter an order
21 prescribing that the minor be kept in a suitable place
22 designated by the Department of Human Services or a licensed
23 child welfare agency. The time during which a minor is in
24 custody after being released upon the request of a parent,
25 guardian or legal custodian shall be considered as time spent
26 in detention for purposes of scheduling the trial.

1 (7) Any party, including the State, the temporary
2 custodian, an agency providing services to the minor or family
3 under a service plan pursuant to Section 8.2 of the Abused and
4 Neglected Child Reporting Act, foster parent, or any of their
5 representatives, may file a motion to modify or vacate a
6 temporary custody order or vacate a detention or shelter care
7 order on any of the following grounds:

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

11 (b) There is a material change in the circumstances of
12 the natural family from which the minor was removed; or

13 (c) A person, including a parent, relative or legal
14 guardian, is capable of assuming temporary custody of the
15 minor; or

16 (d) Services provided by the Department of Children
17 and Family Services or a child welfare agency or other
18 service provider have been successful in eliminating the
19 need for temporary custody.

20 The clerk shall set the matter for hearing not later than
21 14 days after such motion is filed. In the event that the court
22 modifies or vacates a temporary order but does not vacate its
23 finding of probable cause, the court may order that
24 appropriate services be continued or initiated in behalf of
25 the minor and the minor's ~~his or her~~ family.

26 (8) Whenever a petition has been filed under Section 5-520

1 the court can, at any time prior to trial or sentencing, order
2 that the minor be placed in detention or a shelter care
3 facility after the court conducts a hearing and finds that the
4 conduct and behavior of the minor may endanger the health,
5 person, welfare, or property of the minor ~~himself~~ or others or
6 that the circumstances of the minor's ~~his or her~~ home
7 environment may endanger the minor's ~~his or her~~ health,
8 person, welfare or property.

9 (Source: P.A. 102-654, eff. 1-1-23.)

10 (705 ILCS 405/5-505)

11 Sec. 5-505. Pre-trial conditions order.

12 (1) If a minor is charged with the commission of a
13 delinquent act, at any appearance of the minor before the
14 court prior to trial, the court may conduct a hearing to
15 determine whether the minor should be required to do any of the
16 following:

17 (a) not violate any criminal statute of any
18 jurisdiction;

19 (b) make a report to and appear in person before any
20 person or agency as directed by the court;

21 (c) refrain from possessing a firearm or other
22 dangerous weapon, or an automobile;

23 (d) reside with the minor's ~~his or her~~ parents or in a
24 foster home;

25 (e) attend school;

- 1 (f) attend a non-residential program for youth;
- 2 (g) comply with curfew requirements as designated by
3 the court;
- 4 (h) refrain from entering into a designated geographic
5 area except upon terms as the court finds appropriate. The
6 terms may include consideration of the purpose of the
7 entry, the time of day, other persons accompanying the
8 minor, advance approval by the court, and any other terms
9 the court may deem appropriate;
- 10 (i) refrain from having any contact, directly or
11 indirectly, with certain specified persons or particular
12 types of persons, including but not limited to members of
13 street gangs and drug users or dealers;
- 14 (j) comply with any other conditions as may be ordered
15 by the court.

16 No hearing may be held unless the minor is represented by
17 counsel. If the court determines that there is probable cause
18 to believe the minor is a delinquent minor and that it is in
19 the best interests of the minor that the court impose any or
20 all of the conditions listed in paragraphs (a) through (j) of
21 this subsection (1), then the court shall order the minor to
22 abide by all of the conditions ordered by the court.

23 (2) If the court issues a pre-trial conditions order as
24 provided in subsection (1), the court shall inform the minor
25 and provide a copy of the pre-trial conditions order effective
26 under this Section.

1 (3) The provisions of the pre-trial conditions order
2 issued under this Section may be continued through the
3 sentencing hearing if the court deems the action reasonable
4 and necessary. Nothing in this Section shall preclude the
5 minor from applying to the court at any time for modification
6 or dismissal of the order or the State's Attorney from
7 applying to the court at any time for additional provisions
8 under the pre-trial conditions order, modification of the
9 order, or dismissal of the order.

10 (Source: P.A. 90-590, eff. 1-1-99.)

11 (705 ILCS 405/5-520)

12 Sec. 5-520. Petition; supplemental petitions.

13 (1) The State's Attorney may file, or the court on its own
14 motion may direct the filing through the State's Attorney of,
15 a petition in respect to a minor under this Act. The petition
16 and all subsequent court documents shall be entitled "In the
17 interest of, a minor".

18 (2) The petition shall be verified but the statements may
19 be made upon information and belief. It shall allege that the
20 minor is delinquent and set forth (a) facts sufficient to
21 bring the minor under Section 5-120; (b) the name, age and
22 residence of the minor; (c) the names and residences of the
23 minor's ~~his~~ parents; (d) the name and residence of the minor's
24 ~~his or her~~ guardian or legal custodian or the person or persons
25 having custody or control of the minor, or of the nearest known

1 relative if no parent, guardian or legal custodian can be
2 found; and (e) if the minor upon whose behalf the petition is
3 brought is detained or sheltered in custody, the date on which
4 detention or shelter care was ordered by the court or the date
5 set for a detention or shelter care hearing. If any of the
6 facts required by this subsection (2) are not known by the
7 petitioner, the petition shall so state.

8 (3) The petition must pray that the minor be adjudged a
9 ward of the court and may pray generally for relief available
10 under this Act. The petition need not specify any proposed
11 disposition following adjudication of wardship.

12 (4) At any time before dismissal of the petition or before
13 final closing and discharge under Section 5-750, one or more
14 supplemental petitions may be filed (i) alleging new offenses
15 or (ii) alleging violations of orders entered by the court in
16 the delinquency proceeding.

17 (Source: P.A. 90-590, eff. 1-1-99.)

18 (705 ILCS 405/5-525)

19 Sec. 5-525. Service.

20 (1) Service by summons.

21 (a) Upon the commencement of a delinquency
22 prosecution, the clerk of the court shall issue a summons
23 with a copy of the petition attached. The summons shall be
24 directed to the minor's parent, guardian or legal
25 custodian and to each person named as a respondent in the

1 petition, except that summons need not be directed (i) to
2 a minor respondent under 8 years of age for whom the court
3 appoints a guardian ad litem if the guardian ad litem
4 appears on behalf of the minor in any proceeding under
5 this Act, or (ii) to a parent who does not reside with the
6 minor, does not make regular child support payments to the
7 minor, to the minor's other parent, or to the minor's
8 legal guardian or custodian pursuant to a support order,
9 and has not communicated with the minor on a regular
10 basis.

11 (b) The summons must contain a statement that the
12 minor is entitled to have an attorney present at the
13 hearing on the petition, and that the clerk of the court
14 should be notified promptly if the minor desires to be
15 represented by an attorney but is financially unable to
16 employ counsel.

17 (c) The summons shall be issued under the seal of the
18 court, attested in and signed with the name of the clerk of
19 the court, dated on the day it is issued, and shall require
20 each respondent to appear and answer the petition on the
21 date set for the adjudicatory hearing.

22 (d) The summons may be served by any law enforcement
23 officer, coroner or probation officer, even though the
24 officer is the petitioner. The return of the summons with
25 endorsement of service by the officer is sufficient proof
26 of service.

1 (e) Service of a summons and petition shall be made
2 by: (i) leaving a copy of the summons and petition with the
3 person summoned at least 3 days before the time stated in
4 the summons for appearance; (ii) leaving a copy at the
5 summoned person's ~~his or her~~ usual place of abode with
6 some person of the family, of the age of 10 years or
7 upwards, and informing that person of the contents of the
8 summons and petition, provided, the officer or other
9 person making service shall also send a copy of the
10 summons in a sealed envelope with postage fully prepaid,
11 addressed to the person summoned at the person's ~~his or~~
12 ~~her~~ usual place of abode, at least 3 days before the time
13 stated in the summons for appearance; or (iii) leaving a
14 copy of the summons and petition with the guardian or
15 custodian of a minor, at least 3 days before the time
16 stated in the summons for appearance. If the guardian or
17 legal custodian is an agency of the State of Illinois,
18 proper service may be made by leaving a copy of the summons
19 and petition with any administrative employee of the
20 agency designated by the agency to accept the service of
21 summons and petitions. The certificate of the officer or
22 affidavit of the person that the officer or person ~~he or~~
23 ~~she~~ has sent the copy pursuant to this Section is
24 sufficient proof of service.

25 (f) When a parent or other person, who has signed a
26 written promise to appear and bring the minor to court or

1 who has waived or acknowledged service, fails to appear
2 with the minor on the date set by the court, a bench
3 warrant may be issued for the parent or other person, the
4 minor, or both.

5 (2) Service by certified mail or publication.

6 (a) If service on individuals as provided in
7 subsection (1) is not made on any respondent within a
8 reasonable time or if it appears that any respondent
9 resides outside the State, service may be made by
10 certified mail. In that case the clerk shall mail the
11 summons and a copy of the petition to that respondent by
12 certified mail marked for delivery to addressee only. The
13 court shall not proceed with the adjudicatory hearing
14 until 5 days after the mailing. The regular return receipt
15 for certified mail is sufficient proof of service.

16 (b) If service upon individuals as provided in
17 subsection (1) is not made on any respondents within a
18 reasonable time or if any person is made a respondent
19 under the designation of "All Whom It May Concern", or if
20 service cannot be made because the whereabouts of a
21 respondent are unknown, service may be made by
22 publication. The clerk of the court as soon as possible
23 shall cause publication to be made once in a newspaper of
24 general circulation in the county where the action is
25 pending. Service by publication is not required in any
26 case when the person alleged to have legal custody of the

1 minor has been served with summons personally or by
2 certified mail, but the court may not enter any order or
3 judgment against any person who cannot be served with
4 process other than by publication unless service by
5 publication is given or unless that person appears.
6 Failure to provide service by publication to a
7 non-custodial parent whose whereabouts are unknown shall
8 not deprive the court of jurisdiction to proceed with a
9 trial or a plea of delinquency by the minor. When a minor
10 has been detained or sheltered under Section 5-501 of this
11 Act and summons has not been served personally or by
12 certified mail within 20 days from the date of the order of
13 court directing such detention or shelter care, the clerk
14 of the court shall cause publication. Service by
15 publication shall be substantially as follows:

16 "A, B, C, D, (here giving the names of the named
17 respondents, if any) and to All Whom It May Concern (if
18 there is any respondent under that designation):

19 Take notice that on (insert date) a petition was
20 filed under the Juvenile Court Act of 1987 by in
21 the circuit court of county entitled 'In the
22 interest of, a minor', and that in courtroom
23 at on (insert date) at the hour of, or as
24 soon thereafter as this cause may be heard, an
25 adjudicatory hearing will be held upon the petition to
26 have the child declared to be a ward of the court under

1 that Act. The court has authority in this proceeding
2 to take from you the custody and guardianship of the
3 minor.

4 Now, unless you appear at the hearing and show
5 cause against the petition, the allegations of the
6 petition may stand admitted as against you and each of
7 you, and an order or judgment entered.

8

9 Clerk

10 Dated (insert the date of publication)"

11 (c) The clerk shall also at the time of the
12 publication of the notice send a copy of the notice by mail
13 to each of the respondents on account of whom publication
14 is made at each respondent's ~~his or her~~ last known
15 address. The certificate of the clerk that the clerk ~~he or~~
16 ~~she~~ has mailed the notice is evidence of that mailing. No
17 other publication notice is required. Every respondent
18 notified by publication under this Section must appear and
19 answer in open court at the hearing. The court may not
20 proceed with the adjudicatory hearing until 10 days after
21 service by publication on any custodial parent, guardian
22 or legal custodian of a minor alleged to be delinquent.

23 (d) If it becomes necessary to change the date set for
24 the hearing in order to comply with this Section, notice
25 of the resetting of the date must be given, by certified
26 mail or other reasonable means, to each respondent who has

1 been served with summons personally or by certified mail.

2 (3) Once jurisdiction has been established over a
3 party, further service is not required and notice of any
4 subsequent proceedings in that prosecution shall be made
5 in accordance with provisions of Section 5-530.

6 (4) The appearance of the minor's parent, guardian or
7 legal custodian, or a person named as a respondent in a
8 petition, in any proceeding under this Act shall
9 constitute a waiver of service and submission to the
10 jurisdiction of the court. A copy of the petition shall be
11 provided to the person at the time of the person's ~~his or~~
12 ~~her~~ appearance.

13 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

14 (705 ILCS 405/5-530)

15 Sec. 5-530. Notice.

16 (1) A party presenting a supplemental or amended petition
17 or motion to the court shall provide the other parties with a
18 copy of any supplemental or amended petition, motion or
19 accompanying affidavit not yet served upon that party, and
20 shall file proof of that service, in accordance with
21 subsections (2), (3), and (4) of this Section. Written notice
22 of the date, time and place of the hearing, shall be provided
23 to all parties in accordance with local court rules.

24 (2)(a) On whom made. If a party is represented by an
25 attorney of record, service shall be made upon the attorney.

1 Otherwise service shall be made upon the party.

2 (b) Method. Papers shall be served as follows:

3 (1) by delivering them to the attorney or party
4 personally;

5 (2) by leaving them in the office of the attorney with
6 the attorney's ~~his or her~~ clerk, or with a person in charge
7 of the office; or if a party is not represented by counsel,
8 by leaving them at the party's ~~his or her~~ residence with a
9 family member of the age of 10 years or upwards;

10 (3) by depositing them in the United States post
11 office or post-office box enclosed in an envelope, plainly
12 addressed to the attorney at the attorney's ~~his or her~~
13 business address, or to the party at the party's ~~his or her~~
14 business address or residence, with postage fully
15 pre-paid; or

16 (4) by transmitting them via facsimile machine to the
17 office of the attorney or party, who has consented to
18 receiving service by facsimile transmission. Briefs filed
19 in reviewing courts shall be served in accordance with
20 Supreme Court Rule.

21 (i) A party or attorney electing to serve pleading
22 by facsimile must include on the certificate of
23 service transmitted the telephone number of the
24 sender's facsimile transmitting device. Use of service
25 by facsimile shall be deemed consent by that party or
26 attorney to receive service by facsimile transmission.

1 Any party may rescind consent of service by facsimile
2 transmission in a case by filing with the court and
3 serving a notice on all parties or their attorneys who
4 have filed appearances that facsimile service will not
5 be accepted. A party or attorney who has rescinded
6 consent to service by facsimile transmission in a case
7 may not serve another party or attorney by facsimile
8 transmission in that case.

9 (ii) Each page of notices and documents
10 transmitted by facsimile pursuant to this rule should
11 bear the circuit court number, the title of the
12 document, and the page number.

13 (c) Multiple parties or attorneys. In cases in which there
14 are 2 or more minor-respondents who appear by different
15 attorneys, service on all papers shall be made on the attorney
16 for each of the parties. If one attorney appears for several
17 parties, the attorney ~~he or she~~ is entitled to only one copy of
18 any paper served upon the attorney ~~him or her~~ by the opposite
19 side. When more than one attorney appears for a party, service
20 of a copy upon one of them is sufficient.

21 (3) (a) Filing. When service of a paper is required, proof
22 of service shall be filed with the clerk.

23 (b) Manner of Proof. Service is proved:

24 (i) by written acknowledgment ~~acknowledgement~~ signed
25 by the person served;

26 (ii) in case of service by personal delivery, by

1 certificate of the attorney, or affidavit of a person,
2 other than an attorney, who made delivery;

3 (iii) in case of service by mail, by certificate of
4 the attorney, or affidavit of a person other than the
5 attorney, who deposited the paper in the mail, stating the
6 time and place of mailing, the complete address which
7 appeared on the envelope, and the fact that proper postage
8 was pre-paid; or

9 (iv) in case of service by facsimile transmission, by
10 certificate of the attorney or affidavit of a person other
11 than the attorney, who transmitted the paper via facsimile
12 machine, stating the time and place of transmission, the
13 telephone number to which the transmission was sent and
14 the number of pages transmitted.

15 (c) Effective date of service by mail. Service by mail is
16 complete 4 days after mailing.

17 (d) Effective date of service by facsimile transmission.
18 Service by facsimile machine is complete on the first court
19 day following transmission.

20 (Source: P.A. 99-642, eff. 7-28-16.)

21 (705 ILCS 405/5-601)

22 Sec. 5-601. Trial.

23 (1) When a petition has been filed alleging that the minor
24 is a delinquent, a trial must be held within 120 days of a
25 written demand for such hearing made by any party, except that

1 when the State, without success, has exercised due diligence
2 to obtain evidence material to the case and there are
3 reasonable grounds to believe that the evidence may be
4 obtained at a later date, the court may, upon motion by the
5 State, continue the trial for not more than 30 additional
6 days.

7 (2) If a minor respondent has multiple delinquency
8 petitions pending against the minor ~~him or her~~ in the same
9 county and simultaneously demands a trial upon more than one
10 delinquency petition pending against the minor ~~him or her~~ in
11 the same county, the minor ~~he or she~~ shall receive a trial or
12 have a finding, after waiver of trial, upon at least one such
13 petition before expiration relative to any of the pending
14 petitions of the period described by this Section. All
15 remaining petitions thus pending against the minor respondent
16 shall be adjudicated within 160 days from the date on which a
17 finding relative to the first petition prosecuted is rendered
18 under Section 5-620 of this Article, or, if the trial upon the
19 first petition is terminated without a finding and there is no
20 subsequent trial, or adjudication after waiver of trial, on
21 the first petition within a reasonable time, the minor shall
22 receive a trial upon all of the remaining petitions within 160
23 days from the date on which the trial, or finding after waiver
24 of trial, on the first petition is concluded. If either such
25 period of 160 days expires without the commencement of trial,
26 or adjudication after waiver of trial, of any of the remaining

1 pending petitions, the petition or petitions shall be
2 dismissed and barred for want of prosecution unless the delay
3 is occasioned by any of the reasons described in this Section.

4 (3) When no such trial is held within the time required by
5 subsections (1) and (2) of this Section, the court shall, upon
6 motion by any party, dismiss the petition with prejudice.

7 (4) Without affecting the applicability of the tolling and
8 multiple prosecution provisions of subsections (8) and (2) of
9 this Section when a petition has been filed alleging that the
10 minor is a delinquent and the minor is in detention or shelter
11 care, the trial shall be held within 30 calendar days after the
12 date of the order directing detention or shelter care, or the
13 earliest possible date in compliance with the provisions of
14 Section 5-525 as to the custodial parent, guardian or legal
15 custodian, but no later than 45 calendar days from the date of
16 the order of the court directing detention or shelter care.
17 When the petition alleges the minor has committed an offense
18 involving a controlled substance as defined in the Illinois
19 Controlled Substances Act or methamphetamine as defined in the
20 Methamphetamine Control and Community Protection Act, the
21 court may, upon motion of the State, continue the trial for
22 receipt of a confirmatory laboratory report for up to 45 days
23 after the date of the order directing detention or shelter
24 care. When the petition alleges the minor committed an offense
25 that involves the death of, great bodily harm to or sexual
26 assault or aggravated criminal sexual abuse on a victim, the

1 court may, upon motion of the State, continue the trial for not
2 more than 70 calendar days after the date of the order
3 directing detention or shelter care.

4 Any failure to comply with the time limits of this Section
5 shall require the immediate release of the minor from
6 detention, and the time limits set forth in subsections (1)
7 and (2) shall apply.

8 (5) If the court determines that the State, without
9 success, has exercised due diligence to obtain the results of
10 DNA testing that is material to the case, and that there are
11 reasonable grounds to believe that the results may be obtained
12 at a later date, the court may continue the cause on
13 application of the State for not more than 120 additional
14 days. The court may also extend the period of detention of the
15 minor for not more than 120 additional days.

16 (6) If the State's Attorney makes a written request that a
17 proceeding be designated an extended juvenile jurisdiction
18 prosecution, and the minor is in detention, the period the
19 minor can be held in detention pursuant to subsection (4),
20 shall be extended an additional 30 days after the court
21 determines whether the proceeding will be designated an
22 extended juvenile jurisdiction prosecution or the State's
23 Attorney withdraws the request for extended juvenile
24 jurisdiction prosecution.

25 (7) When the State's Attorney files a motion for waiver of
26 jurisdiction pursuant to Section 5-805, and the minor is in

1 detention, the period the minor can be held in detention
2 pursuant to subsection (4), shall be extended an additional 30
3 days if the court denies motion for waiver of jurisdiction or
4 the State's Attorney withdraws the motion for waiver of
5 jurisdiction.

6 (8) The period in which a trial shall be held as prescribed
7 by subsections (1), (2), (3), (4), (5), (6), or (7) of this
8 Section is tolled by: (i) delay occasioned by the minor; (ii) a
9 continuance allowed pursuant to Section 114-4 of the Code of
10 Criminal Procedure of 1963 after the court's determination of
11 the minor's incapacity for trial; (iii) an interlocutory
12 appeal; (iv) an examination of fitness ordered pursuant to
13 Section 104-13 of the Code of Criminal Procedure of 1963; (v) a
14 fitness hearing; or (vi) an adjudication of unfitness for
15 trial. Any such delay shall temporarily suspend, for the time
16 of the delay, the period within which a trial must be held as
17 prescribed by subsections (1), (2), (4), (5), and (6) of this
18 Section. On the day of expiration of the delays the period
19 shall continue at the point at which the time was suspended.

20 (9) Nothing in this Section prevents the minor or the
21 minor's parents, guardian or legal custodian from exercising
22 their respective rights to waive the time limits set forth in
23 this Section.

24 (Source: P.A. 94-556, eff. 9-11-05.)

25 (705 ILCS 405/5-605)

1 Sec. 5-605. Trials, pleas, guilty but mentally ill and not
2 guilty by reason of insanity.

3 (1) Method of trial. All delinquency proceedings shall be
4 heard by the court except those proceedings under this Act
5 where the right to trial by jury is specifically set forth. At
6 any time a minor may waive the minor's ~~his or her~~ right to
7 trial by jury.

8 (2) Pleas of guilty and guilty but mentally ill.

9 (a) Before or during trial, a plea of guilty may be
10 accepted when the court has informed the minor of the
11 consequences of the minor's ~~his or her~~ plea and of the
12 maximum penalty provided by law which may be imposed upon
13 acceptance of the plea. Upon acceptance of a plea of
14 guilty, the court shall determine the factual basis of a
15 plea.

16 (b) Before or during trial, a plea of guilty but
17 mentally ill may be accepted by the court when:

18 (i) the minor has undergone an examination by a
19 clinical psychologist or psychiatrist and has waived
20 the minor's ~~his or her~~ right to trial; and

21 (ii) the judge has examined the psychiatric or
22 psychological report or reports; and

23 (iii) the judge has held a hearing, at which
24 either party may present evidence, on the issue of the
25 minor's mental health and, at the conclusion of the
26 hearing, is satisfied that there is a factual basis

1 that the minor was mentally ill at the time of the
2 offense to which the plea is entered.

3 (3) Trial by the court.

4 (a) A trial shall be conducted in the presence of the
5 minor unless the minor ~~he or she~~ waives the right to be
6 present. At the trial, the court shall consider the
7 question whether the minor is delinquent. The standard of
8 proof and the rules of evidence in the nature of criminal
9 proceedings in this State are applicable to that
10 consideration.

11 (b) Upon conclusion of the trial the court shall enter
12 a general finding, except that, when the affirmative
13 defense of insanity has been presented during the trial
14 and acquittal is based solely upon the defense of
15 insanity, the court shall enter a finding of not guilty by
16 reason of insanity. In the event of a finding of not guilty
17 by reason of insanity, a hearing shall be held pursuant to
18 the Mental Health and Developmental Disabilities Code to
19 determine whether the minor is subject to involuntary
20 admission.

21 (c) When the minor has asserted a defense of insanity,
22 the court may find the minor guilty but mentally ill if,
23 after hearing all of the evidence, the court finds that:

24 (i) the State has proven beyond a reasonable doubt
25 that the minor is guilty of the offense charged; and

26 (ii) the minor has failed to prove the minor's ~~his~~

1 ~~or her~~ insanity as required in subsection (b) of
2 Section 3-2 of the Criminal Code of 2012, and
3 subsections (a), (b) and (e) of Section 6-2 of the
4 Criminal Code of 2012; and

5 (iii) the minor has proven by a preponderance of
6 the evidence that the minor ~~he~~ was mentally ill, as
7 defined in subsections (c) and (d) of Section 6-2 of
8 the Criminal Code of 2012 at the time of the offense.

9 (4) Trial by court and jury.

10 (a) Questions of law shall be decided by the court and
11 questions of fact by the jury.

12 (b) The jury shall consist of 12 members.

13 (c) Upon request the parties shall be furnished with a
14 list of prospective jurors with their addresses if known.

15 (d) Each party may challenge jurors for cause. If a
16 prospective juror has a physical impairment, the court
17 shall consider the prospective juror's ability to perceive
18 and appreciate the evidence when considering a challenge
19 for cause.

20 (e) A minor tried alone shall be allowed 7 peremptory
21 challenges; except that, in a single trial of more than
22 one minor, each minor shall be allowed 5 peremptory
23 challenges. If several charges against a minor or minors
24 are consolidated for trial, each minor shall be allowed
25 peremptory challenges upon one charge only, which single
26 charge shall be the charge against that minor authorizing

1 the greatest maximum penalty. The State shall be allowed
2 the same number of peremptory challenges as all of the
3 minors.

4 (f) After examination by the court, the jurors may be
5 examined, passed upon, accepted and tendered by opposing
6 counsel as provided by Supreme Court Rules.

7 (g) After the jury is impaneled and sworn, the court
8 may direct the selection of 2 alternate jurors who shall
9 take the same oath as the regular jurors. Each party shall
10 have one additional peremptory challenge for each
11 alternate juror. If before the final submission of a cause
12 a member of the jury dies or is discharged, the member ~~he~~
13 ~~or she~~ shall be replaced by an alternate juror in the order
14 of selection.

15 (h) A trial by the court and jury shall be conducted in
16 the presence of the minor unless the minor ~~he or she~~ waives
17 the right to be present.

18 (i) After arguments of counsel the court shall
19 instruct the jury as to the law.

20 (j) Unless the affirmative defense of insanity has
21 been presented during the trial, the jury shall return a
22 general verdict as to each offense charged. When the
23 affirmative defense of insanity has been presented during
24 the trial, the court shall provide the jury not only with
25 general verdict forms but also with a special verdict form
26 of not guilty by reason of insanity, as to each offense

1 charged, and in the event the court shall separately
2 instruct the jury that a special verdict of not guilty by
3 reason of insanity may be returned instead of a general
4 verdict but the special verdict requires a unanimous
5 finding by the jury that the minor committed the acts
6 charged but at the time of the commission of those acts the
7 minor was insane. In the event of a verdict of not guilty
8 by reason of insanity, a hearing shall be held pursuant to
9 the Mental Health and Developmental Disabilities Code to
10 determine whether the minor is subject to involuntary
11 admission. When the affirmative defense of insanity has
12 been presented during the trial, the court, where
13 warranted by the evidence, shall also provide the jury
14 with a special verdict form of guilty but mentally ill, as
15 to each offense charged and shall separately instruct the
16 jury that a special verdict of guilty but mentally ill may
17 be returned instead of a general verdict, but that the
18 special verdict requires a unanimous finding by the jury
19 that: (i) the State has proven beyond a reasonable doubt
20 that the minor is guilty of the offense charged; and (ii)
21 the minor has failed to prove the minor's ~~his or her~~
22 insanity as required in subsection (b) of Section 3-2 of
23 the Criminal Code of 2012 and subsections (a), (b) and (e)
24 of Section 6-2 of the Criminal Code of 2012; and (iii) the
25 minor has proven by a preponderance of the evidence that
26 the minor ~~he or she~~ was mentally ill, as defined in

1 subsections (c) and (d) of Section 6-2 of the Criminal
2 Code of 2012 at the time of the offense.

3 (k) When, at the close of the State's evidence or at
4 the close of all of the evidence, the evidence is
5 insufficient to support a finding or verdict of guilty the
6 court may and on motion of the minor shall make a finding
7 or direct the jury to return a verdict of not guilty, enter
8 a judgment of acquittal and discharge the minor.

9 (l) When the jury retires to consider its verdict, an
10 officer of the court shall be appointed to keep them
11 together and to prevent conversation between the jurors
12 and others; however, if any juror is deaf, the jury may be
13 accompanied by and may communicate with a court-appointed
14 interpreter during its deliberations. Upon agreement
15 between the State and minor or the minor's ~~his or her~~
16 counsel, and the parties waive polling of the jury, the
17 jury may seal and deliver its verdict to the clerk of the
18 court, separate, and then return the verdict in open court
19 at its next session.

20 (m) In a trial, any juror who is a member of a panel or
21 jury which has been impaneled and sworn as a panel or as a
22 jury shall be permitted to separate from other jurors
23 during every period of adjournment to a later day, until
24 final submission of the cause to the jury for
25 determination, except that no such separation shall be
26 permitted in any trial after the court, upon motion by the

1 minor or the State or upon its own motion, finds a
2 probability that prejudice to the minor or to the State
3 will result from the separation.

4 (n) The members of the jury shall be entitled to take
5 notes during the trial, and the sheriff of the county in
6 which the jury is sitting shall provide them with writing
7 materials for this purpose. The notes shall remain
8 confidential, and shall be destroyed by the sheriff after
9 the verdict has been returned or a mistrial declared.

10 (o) A minor tried by the court and jury shall only be
11 found guilty, guilty but mentally ill, not guilty or not
12 guilty by reason of insanity, upon the unanimous verdict
13 of the jury.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 (705 ILCS 405/5-610)

16 Sec. 5-610. Guardian ad litem and appointment of attorney.

17 (1) The court may appoint a guardian ad litem for the minor
18 whenever it finds that there may be a conflict of interest
19 between the minor and the minor's ~~his or her~~ parent, guardian
20 or legal custodian or that it is otherwise in the minor's
21 interest to do so.

22 (2) Unless the guardian ad litem is an attorney, the
23 guardian ad litem ~~he or she~~ shall be represented by counsel.

24 (3) The reasonable fees of a guardian ad litem appointed
25 under this Section shall be fixed by the court and charged to

1 the parents of the minor, to the extent they are able to pay.
2 If the parents are unable to pay those fees, they shall be paid
3 from the general fund of the county.

4 (4) If, during the court proceedings, the parents,
5 guardian, or legal custodian prove that the minor ~~he or she~~ has
6 an actual conflict of interest with the minor in that
7 delinquency proceeding and that the parents, guardian, or
8 legal custodian are indigent, the court shall appoint a
9 separate attorney for that parent, guardian, or legal
10 custodian.

11 (5) A guardian ad litem appointed under this Section for a
12 minor who is in the custody or guardianship of the Department
13 of Children and Family Services or who has an open intact
14 family services case with the Department of Children and
15 Family Services is entitled to receive copies of any and all
16 classified reports of child abuse or neglect made pursuant to
17 the Abused and Neglected Child Reporting Act in which the
18 minor, who is the subject of the report under the Abused and
19 Neglected Child Reporting Act, is also a minor for whom the
20 guardian ad litem is appointed under this Act. The Department
21 of Children and Family Services' obligation under this
22 subsection to provide reports to a guardian ad litem for a
23 minor with an open intact family services case applies only if
24 the guardian ad litem notified the Department in writing of
25 the representation.

26 (Source: P.A. 100-158, eff. 1-1-18.)

1 (705 ILCS 405/5-615)

2 Sec. 5-615. Continuance under supervision.

3 (1) The court may enter an order of continuance under
4 supervision for an offense other than first degree murder, a
5 Class X felony or a forcible felony:

6 (a) upon an admission or stipulation by the
7 appropriate respondent or minor respondent of the facts
8 supporting the petition and before the court makes a
9 finding of delinquency, and in the absence of objection
10 made in open court by the minor, the minor's ~~his or her~~
11 parent, guardian, or legal custodian, the minor's attorney
12 or the State's Attorney; or

13 (b) upon a finding of delinquency and after
14 considering the circumstances of the offense and the
15 history, character, and condition of the minor, if the
16 court is of the opinion that:

17 (i) the minor is not likely to commit further
18 crimes;

19 (ii) the minor and the public would be best served
20 if the minor were not to receive a criminal record; and

21 (iii) in the best interests of justice an order of
22 continuance under supervision is more appropriate than
23 a sentence otherwise permitted under this Act.

24 (2) (Blank).

25 (3) Nothing in this Section limits the power of the court

1 to order a continuance of the hearing for the production of
2 additional evidence or for any other proper reason.

3 (4) When a hearing where a minor is alleged to be a
4 delinquent is continued pursuant to this Section, the period
5 of continuance under supervision may not exceed 24 months. The
6 court may terminate a continuance under supervision at any
7 time if warranted by the conduct of the minor and the ends of
8 justice or vacate the finding of delinquency or both.

9 (5) When a hearing where a minor is alleged to be
10 delinquent is continued pursuant to this Section, the court
11 may, as conditions of the continuance under supervision,
12 require the minor to do any of the following:

13 (a) not violate any criminal statute of any
14 jurisdiction;

15 (b) make a report to and appear in person before any
16 person or agency as directed by the court;

17 (c) work or pursue a course of study or vocational
18 training;

19 (d) undergo medical or psychotherapeutic treatment
20 rendered by a therapist licensed under the provisions of
21 the Medical Practice Act of 1987, the Clinical
22 Psychologist Licensing Act, or the Clinical Social Work
23 and Social Work Practice Act, or an entity licensed by the
24 Department of Human Services as a successor to the
25 Department of Alcoholism and Substance Abuse, for the
26 provision of substance use disorder services as defined in

- 1 Section 1-10 of the Substance Use Disorder Act;
- 2 (e) attend or reside in a facility established for the
- 3 instruction or residence of persons on probation;
- 4 (f) support the minor's ~~his or her~~ dependents, if any;
- 5 (g) pay costs;
- 6 (h) refrain from possessing a firearm or other
- 7 dangerous weapon, or an automobile;
- 8 (i) permit the probation officer to visit the minor
- 9 ~~him or her~~ at the minor's ~~his or her~~ home or elsewhere;
- 10 (j) reside with the minor's ~~his or her~~ parents or in a
- 11 foster home;
- 12 (k) attend school;
- 13 (k-5) with the consent of the superintendent of the
- 14 facility, attend an educational program at a facility
- 15 other than the school in which the offense was committed
- 16 if the minor ~~he or she~~ committed a crime of violence as
- 17 defined in Section 2 of the Crime Victims Compensation Act
- 18 in a school, on the real property comprising a school, or
- 19 within 1,000 feet of the real property comprising a
- 20 school;
- 21 (l) attend a non-residential program for youth;
- 22 (m) contribute to the minor's ~~his or her~~ own support
- 23 at home or in a foster home;
- 24 (n) perform some reasonable public or community
- 25 service;
- 26 (o) make restitution to the victim, in the same manner

1 and under the same conditions as provided in subsection
2 (4) of Section 5-710, except that the "sentencing hearing"
3 referred to in that Section shall be the adjudicatory
4 hearing for purposes of this Section;

5 (p) comply with curfew requirements as designated by
6 the court;

7 (q) refrain from entering into a designated geographic
8 area except upon terms as the court finds appropriate. The
9 terms may include consideration of the purpose of the
10 entry, the time of day, other persons accompanying the
11 minor, and advance approval by a probation officer;

12 (r) refrain from having any contact, directly or
13 indirectly, with certain specified persons or particular
14 types of persons, including but not limited to members of
15 street gangs and drug users or dealers;

16 (r-5) undergo a medical or other procedure to have a
17 tattoo symbolizing allegiance to a street gang removed
18 from the minor's ~~his or her~~ body;

19 (s) refrain from having in the minor's ~~his or her~~ body
20 the presence of any illicit drug prohibited by the
21 Cannabis Control Act, the Illinois Controlled Substances
22 Act, or the Methamphetamine Control and Community
23 Protection Act, unless prescribed by a physician, and
24 submit samples of the minor's ~~his or her~~ blood or urine or
25 both for tests to determine the presence of any illicit
26 drug; or

1 (t) comply with any other conditions as may be ordered
2 by the court.

3 (6) A minor whose case is continued under supervision
4 under subsection (5) shall be given a certificate setting
5 forth the conditions imposed by the court. Those conditions
6 may be reduced, enlarged, or modified by the court on motion of
7 the probation officer or on its own motion, or that of the
8 State's Attorney, or, at the request of the minor after notice
9 and hearing.

10 (7) If a petition is filed charging a violation of a
11 condition of the continuance under supervision, the court
12 shall conduct a hearing. If the court finds that a condition of
13 supervision has not been fulfilled, the court may proceed to
14 findings, adjudication, and disposition or adjudication and
15 disposition. The filing of a petition for violation of a
16 condition of the continuance under supervision shall toll the
17 period of continuance under supervision until the final
18 determination of the charge, and the term of the continuance
19 under supervision shall not run until the hearing and
20 disposition of the petition for violation; provided where the
21 petition alleges conduct that does not constitute a criminal
22 offense, the hearing must be held within 30 days of the filing
23 of the petition unless a delay shall continue the tolling of
24 the period of continuance under supervision for the period of
25 the delay.

26 (8) When a hearing in which a minor is alleged to be a

1 delinquent for reasons that include a violation of Section
2 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
3 2012 is continued under this Section, the court shall, as a
4 condition of the continuance under supervision, require the
5 minor to perform community service for not less than 30 and not
6 more than 120 hours, if community service is available in the
7 jurisdiction. The community service shall include, but need
8 not be limited to, the cleanup and repair of the damage that
9 was caused by the alleged violation or similar damage to
10 property located in the municipality or county in which the
11 alleged violation occurred. The condition may be in addition
12 to any other condition.

13 (8.5) When a hearing in which a minor is alleged to be a
14 delinquent for reasons that include a violation of Section
15 3.02 or Section 3.03 of the Humane Care for Animals Act or
16 paragraph (d) of subsection (1) of Section 21-1 of the
17 Criminal Code of 1961 or paragraph (4) of subsection (a) of
18 Section 21-1 or the Criminal Code of 2012 is continued under
19 this Section, the court shall, as a condition of the
20 continuance under supervision, require the minor to undergo
21 medical or psychiatric treatment rendered by a psychiatrist or
22 psychological treatment rendered by a clinical psychologist.
23 The condition may be in addition to any other condition.

24 (9) When a hearing in which a minor is alleged to be a
25 delinquent is continued under this Section, the court, before
26 continuing the case, shall make a finding whether the offense

1 alleged to have been committed either: (i) was related to or in
2 furtherance of the activities of an organized gang or was
3 motivated by the minor's membership in or allegiance to an
4 organized gang, or (ii) is a violation of paragraph (13) of
5 subsection (a) of Section 12-2 or paragraph (2) of subsection
6 (c) of Section 12-2 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, a violation of any Section of Article 24
8 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
9 violation of any statute that involved the unlawful use of a
10 firearm. If the court determines the question in the
11 affirmative the court shall, as a condition of the continuance
12 under supervision and as part of or in addition to any other
13 condition of the supervision, require the minor to perform
14 community service for not less than 30 hours, provided that
15 community service is available in the jurisdiction and is
16 funded and approved by the county board of the county where the
17 offense was committed. The community service shall include,
18 but need not be limited to, the cleanup and repair of any
19 damage caused by an alleged violation of Section 21-1.3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 and similar
21 damage to property located in the municipality or county in
22 which the alleged violation occurred. When possible and
23 reasonable, the community service shall be performed in the
24 minor's neighborhood. For the purposes of this Section,
25 "organized gang" has the meaning ascribed to it in Section 10
26 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

1 (10) The court shall impose upon a minor placed on
2 supervision, as a condition of the supervision, a fee of \$50
3 for each month of supervision ordered by the court, unless
4 after determining the inability of the minor placed on
5 supervision to pay the fee, the court assesses a lesser
6 amount. The court may not impose the fee on a minor who is
7 placed in the guardianship or custody of the Department of
8 Children and Family Services under this Act while the minor is
9 in placement. The fee shall be imposed only upon a minor who is
10 actively supervised by the probation and court services
11 department. A court may order the parent, guardian, or legal
12 custodian of the minor to pay some or all of the fee on the
13 minor's behalf.

14 (11) (Blank).

15 (Source: P.A. 100-159, eff. 8-18-17; 100-759, eff. 1-1-19;
16 101-2, eff. 7-1-19.)

17 (705 ILCS 405/5-620)

18 Sec. 5-620. Findings. After hearing the evidence, the
19 court shall make and note in the minutes of the proceeding a
20 finding of whether or not the minor is guilty. If it finds that
21 the minor is not guilty, the court shall order the petition
22 dismissed and the minor discharged from any detention or
23 restriction previously ordered in such proceeding. If the
24 court finds that the minor is guilty, the court shall then set
25 a time for a sentencing hearing to be conducted under Section

1 5-705 at which hearing the court shall determine whether it is
2 in the best interests of the minor and the public that the
3 minor ~~he or she~~ be made a ward of the court. To assist the
4 court in making this and other determinations at the
5 sentencing hearing, the court may order that an investigation
6 be conducted and a social investigation report be prepared.

7 (Source: P.A. 90-590, eff. 1-1-99.)

8 (705 ILCS 405/5-625)

9 Sec. 5-625. Absence of minor.

10 (1) When a minor after arrest and an initial court
11 appearance for a felony, fails to appear for trial, at the
12 request of the State and after the State has affirmatively
13 proven through substantial evidence that the minor is
14 willfully avoiding trial, the court may commence trial in the
15 absence of the minor. The absent minor must be represented by
16 retained or appointed counsel. If trial had previously
17 commenced in the presence of the minor and the minor is
18 willfully absent ~~absents himself~~ for 2 successive court days,
19 the court shall proceed to trial. All procedural rights
20 guaranteed by the United States Constitution, Constitution of
21 the State of Illinois, statutes of the State of Illinois, and
22 rules of court shall apply to the proceedings the same as if
23 the minor were present in court. The court may set the case for
24 a trial which may be conducted under this Section despite the
25 failure of the minor to appear at the hearing at which the

1 trial date is set. When the trial date is set the clerk shall
2 send to the minor, by certified mail at the minor's ~~his or her~~
3 last known address, notice of the new date which has been set
4 for trial. The notification shall be required when the minor
5 was not personally present in open court at the time when the
6 case was set for trial.

7 (2) The absence of the minor from a trial conducted under
8 this Section does not operate as a bar to concluding the trial,
9 to a finding of guilty resulting from the trial, or to a final
10 disposition of the trial in favor of the minor.

11 (3) Upon a finding or verdict of not guilty the court shall
12 enter a finding for the minor. Upon a finding or verdict of
13 guilty, the court shall set a date for the hearing of
14 post-trial motions and shall hear the motion in the absence of
15 the minor. If post-trial motions are denied, the court shall
16 proceed to conduct a sentencing hearing and to impose a
17 sentence upon the minor. A social investigation is waived if
18 the minor is absent.

19 (4) A minor who is absent for part of the proceedings of
20 trial, post-trial motions, or sentencing, does not thereby
21 forfeit the minor's ~~his or her~~ right to be present at all
22 remaining proceedings.

23 (5) When a minor who in the minor's ~~his or her~~ absence has
24 been either found guilty or sentenced or both found guilty and
25 sentenced appears before the court, the minor ~~he or she~~ must be
26 granted a new trial or a new sentencing hearing if the minor

1 can establish that the minor's ~~his or her~~ failure to appear in
2 court was both without the minor's ~~his or her~~ fault and due to
3 circumstances beyond the minor's ~~his or her~~ control. A hearing
4 with notice to the State's Attorney on the minors request for a
5 new trial or a new sentencing hearing must be held before any
6 such request may be granted. At any such hearing both the minor
7 and the State may present evidence.

8 (6) If the court grants only the minor's request for a new
9 sentencing hearing, then a new sentencing hearing shall be
10 held in accordance with the provisions of this Article. At any
11 such hearing, both the minor and the State may offer evidence
12 of the minor's conduct during the minor's ~~his or her~~ period of
13 absence from the court. The court may impose any sentence
14 authorized by this Article and in the case of an extended
15 juvenile jurisdiction prosecution the Unified Code of
16 Corrections and is not in any way limited or restricted by any
17 sentence previously imposed.

18 (7) A minor whose motion under subsection (5) for a new
19 trial or new sentencing hearing has been denied may file a
20 notice of appeal from the denial. The notice may also include a
21 request for review of the finding and sentence not vacated by
22 the trial court.

23 (Source: P.A. 90-590, eff. 1-1-99.)

24 (705 ILCS 405/5-705)

25 Sec. 5-705. Sentencing hearing; evidence; continuance.

1 (1) In this subsection (1), "violent crime" has the same
2 meaning ascribed to the term in subsection (c) of Section 3 of
3 the Rights of Crime Victims and Witnesses Act. At the
4 sentencing hearing, the court shall determine whether it is in
5 the best interests of the minor or the public that the minor ~~he~~
6 ~~or she~~ be made a ward of the court, and, if the minor ~~he or she~~
7 is to be made a ward of the court, the court shall determine
8 the proper disposition best serving the interests of the minor
9 and the public. All evidence helpful in determining these
10 questions, including oral and written reports, may be admitted
11 and may be relied upon to the extent of its probative value,
12 even though not competent for the purposes of the trial. A
13 crime victim shall be allowed to present an oral or written
14 statement, as guaranteed by Article I, Section 8.1 of the
15 Illinois Constitution and as provided in Section 6 of the
16 Rights of Crime Victims and Witnesses Act, in any case in
17 which: (a) a juvenile has been adjudicated delinquent for a
18 violent crime after a bench or jury trial; or (b) the petition
19 alleged the commission of a violent crime and the juvenile has
20 been adjudicated delinquent under a plea agreement of a crime
21 that is not a violent crime. The court shall allow a victim to
22 make an oral statement if the victim is present in the
23 courtroom and requests to make an oral statement. An oral
24 statement includes the victim or a representative of the
25 victim reading the written statement. The court may allow
26 persons impacted by the crime who are not victims under

1 subsection (a) of Section 3 of the Rights of Crime Victims and
2 Witnesses Act to present an oral or written statement. A
3 victim and any person making an oral statement shall not be put
4 under oath or subject to cross-examination. A record of a
5 prior continuance under supervision under Section 5-615,
6 whether successfully completed or not, is admissible at the
7 sentencing hearing. No order of commitment to the Department
8 of Juvenile Justice shall be entered against a minor before a
9 written report of social investigation, which has been
10 completed within the previous 60 days, is presented to and
11 considered by the court.

12 (2) Once a party has been served in compliance with
13 Section 5-525, no further service or notice must be given to
14 that party prior to proceeding to a sentencing hearing. Before
15 imposing sentence the court shall advise the State's Attorney
16 and the parties who are present or their counsel of the factual
17 contents and the conclusions of the reports prepared for the
18 use of the court and considered by it, and afford fair
19 opportunity, if requested, to controvert them. Factual
20 contents, conclusions, documents and sources disclosed by the
21 court under this paragraph shall not be further disclosed
22 without the express approval of the court.

23 (3) On its own motion or that of the State's Attorney, a
24 parent, guardian, legal custodian, or counsel, the court may
25 adjourn the hearing for a reasonable period to receive reports
26 or other evidence and, in such event, shall make an

1 appropriate order for detention of the minor or the minor's
2 ~~his or her~~ release from detention subject to supervision by
3 the court during the period of the continuance. In the event
4 the court shall order detention hereunder, the period of the
5 continuance shall not exceed 30 court days. At the end of such
6 time, the court shall release the minor from detention unless
7 notice is served at least 3 days prior to the hearing on the
8 continued date that the State will be seeking an extension of
9 the period of detention, which notice shall state the reason
10 for the request for the extension. The extension of detention
11 may be for a maximum period of an additional 15 court days or a
12 lesser number of days at the discretion of the court. However,
13 at the expiration of the period of extension, the court shall
14 release the minor from detention if a further continuance is
15 granted. In scheduling investigations and hearings, the court
16 shall give priority to proceedings in which a minor is in
17 detention or has otherwise been removed from the minor's ~~his~~
18 ~~or her~~ home before a sentencing order has been made.

19 (4) When commitment to the Department of Juvenile Justice
20 is ordered, the court shall state the basis for selecting the
21 particular disposition, and the court shall prepare such a
22 statement for inclusion in the record.

23 (5) Before a sentencing order is entered by the court
24 under Section 5-710 for a minor adjudged delinquent for a
25 violation of paragraph (3.5) of subsection (a) of Section 26-1
26 of the Criminal Code of 2012, in which the minor made a threat

1 of violence, death, or bodily harm against a person, school,
2 school function, or school event, the court may order a mental
3 health evaluation of the minor by a physician, clinical
4 psychologist, or qualified examiner, whether employed by the
5 State, by any public or private mental health facility or part
6 of the facility, or by any public or private medical facility
7 or part of the facility. A statement made by a minor during the
8 course of a mental health evaluation conducted under this
9 subsection (5) is not admissible on the issue of delinquency
10 during the course of an adjudicatory hearing held under this
11 Act. Neither the physician, clinical psychologist, qualified
12 examiner, or the his or her employer of the physician,
13 clinical psychologist, qualified examiner, shall be held
14 criminally, civilly, or professionally liable for performing a
15 mental health examination under this subsection (5), except
16 for willful or wanton misconduct. In this subsection (5),
17 "qualified examiner" has the meaning provided in Section 1-122
18 of the Mental Health and Developmental Disabilities Code.

19 (Source: P.A. 100-961, eff. 1-1-19; 101-238, eff. 1-1-20.)

20 (705 ILCS 405/5-710)

21 Sec. 5-710. Kinds of sentencing orders.

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

24 (a) Except as provided in Sections 5-805, 5-810, and
25 5-815, a minor who is found guilty under Section 5-620 may

1 be:

2 (i) put on probation or conditional discharge and
3 released to the minor's ~~his or her~~ parents, guardian
4 or legal custodian, provided, however, that any such
5 minor who is not committed to the Department of
6 Juvenile Justice under this subsection and who is
7 found to be a delinquent for an offense which is first
8 degree murder, a Class X felony, or a forcible felony
9 shall be placed on probation;

10 (ii) placed in accordance with Section 5-740, with
11 or without also being put on probation or conditional
12 discharge;

13 (iii) required to undergo a substance abuse
14 assessment conducted by a licensed provider and
15 participate in the indicated clinical level of care;

16 (iv) on and after January 1, 2015 (the effective
17 date of Public Act 98-803) and before January 1, 2017,
18 placed in the guardianship of the Department of
19 Children and Family Services, but only if the
20 delinquent minor is under 16 years of age or, pursuant
21 to Article II of this Act, a minor under the age of 18
22 for whom an independent basis of abuse, neglect, or
23 dependency exists. On and after January 1, 2017,
24 placed in the guardianship of the Department of
25 Children and Family Services, but only if the
26 delinquent minor is under 15 years of age or, pursuant

1 to Article II of this Act, a minor for whom an
2 independent basis of abuse, neglect, or dependency
3 exists. An independent basis exists when the
4 allegations or adjudication of abuse, neglect, or
5 dependency do not arise from the same facts, incident,
6 or circumstances which give rise to a charge or
7 adjudication of delinquency;

8 (v) placed in detention for a period not to exceed
9 30 days, either as the exclusive order of disposition
10 or, where appropriate, in conjunction with any other
11 order of disposition issued under this paragraph,
12 provided that any such detention shall be in a
13 juvenile detention home and the minor so detained
14 shall be 10 years of age or older. However, the 30-day
15 limitation may be extended by further order of the
16 court for a minor under age 15 committed to the
17 Department of Children and Family Services if the
18 court finds that the minor is a danger to the minor
19 ~~himself~~ or others. The minor shall be given credit on
20 the sentencing order of detention for time spent in
21 detention under Sections 5-501, 5-601, 5-710, or 5-720
22 of this Article as a result of the offense for which
23 the sentencing order was imposed. The court may grant
24 credit on a sentencing order of detention entered
25 under a violation of probation or violation of
26 conditional discharge under Section 5-720 of this

1 Article for time spent in detention before the filing
2 of the petition alleging the violation. A minor shall
3 not be deprived of credit for time spent in detention
4 before the filing of a violation of probation or
5 conditional discharge alleging the same or related act
6 or acts. The limitation that the minor shall only be
7 placed in a juvenile detention home does not apply as
8 follows:

9 Persons 18 years of age and older who have a
10 petition of delinquency filed against them may be
11 confined in an adult detention facility. In making a
12 determination whether to confine a person 18 years of
13 age or older who has a petition of delinquency filed
14 against the person, these factors, among other
15 matters, shall be considered:

16 (A) the age of the person;

17 (B) any previous delinquent or criminal
18 history of the person;

19 (C) any previous abuse or neglect history of
20 the person;

21 (D) any mental health history of the person;

22 and

23 (E) any educational history of the person;

24 (vi) ordered partially or completely emancipated
25 in accordance with the provisions of the Emancipation
26 of Minors Act;

1 (vii) subject to having the minor's ~~his or her~~
2 driver's license or driving privileges suspended for
3 such time as determined by the court but only until the
4 minor ~~he or she~~ attains 18 years of age;

5 (viii) put on probation or conditional discharge
6 and placed in detention under Section 3-6039 of the
7 Counties Code for a period not to exceed the period of
8 incarceration permitted by law for adults found guilty
9 of the same offense or offenses for which the minor was
10 adjudicated delinquent, and in any event no longer
11 than upon attainment of age 21; this subdivision
12 (viii) notwithstanding any contrary provision of the
13 law;

14 (ix) ordered to undergo a medical or other
15 procedure to have a tattoo symbolizing allegiance to a
16 street gang removed from the minor's ~~his or her~~ body;
17 or

18 (x) placed in electronic monitoring or home
19 detention under Part 7A of this Article.

20 (b) A minor found to be guilty may be committed to the
21 Department of Juvenile Justice under Section 5-750 if the
22 minor is at least 13 years and under 20 years of age,
23 provided that the commitment to the Department of Juvenile
24 Justice shall be made only if the minor was found guilty of
25 a felony offense or first degree murder. The court shall
26 include in the sentencing order any pre-custody credits

1 the minor is entitled to under Section 5-4.5-100 of the
2 Unified Code of Corrections. The time during which a minor
3 is in custody before being released upon the request of a
4 parent, guardian or legal custodian shall also be
5 considered as time spent in custody.

6 (c) When a minor is found to be guilty for an offense
7 which is a violation of the Illinois Controlled Substances
8 Act, the Cannabis Control Act, or the Methamphetamine
9 Control and Community Protection Act and made a ward of
10 the court, the court may enter a disposition order
11 requiring the minor to undergo assessment, counseling or
12 treatment in a substance use disorder treatment program
13 approved by the Department of Human Services.

14 (2) Any sentencing order other than commitment to the
15 Department of Juvenile Justice may provide for protective
16 supervision under Section 5-725 and may include an order of
17 protection under Section 5-730.

18 (3) Unless the sentencing order expressly so provides, it
19 does not operate to close proceedings on the pending petition,
20 but is subject to modification until final closing and
21 discharge of the proceedings under Section 5-750.

22 (4) In addition to any other sentence, the court may order
23 any minor found to be delinquent to make restitution, in
24 monetary or non-monetary form, under the terms and conditions
25 of Section 5-5-6 of the Unified Code of Corrections, except
26 that the "presentencing hearing" referred to in that Section

1 shall be the sentencing hearing for purposes of this Section.
2 The parent, guardian or legal custodian of the minor may be
3 ordered by the court to pay some or all of the restitution on
4 the minor's behalf, pursuant to the Parental Responsibility
5 Law. The State's Attorney is authorized to act on behalf of any
6 victim in seeking restitution in proceedings under this
7 Section, up to the maximum amount allowed in Section 5 of the
8 Parental Responsibility Law.

9 (5) Any sentencing order where the minor is committed or
10 placed in accordance with Section 5-740 shall provide for the
11 parents or guardian of the estate of the minor to pay to the
12 legal custodian or guardian of the person of the minor such
13 sums as are determined by the custodian or guardian of the
14 person of the minor as necessary for the minor's needs. The
15 payments may not exceed the maximum amounts provided for by
16 Section 9.1 of the Children and Family Services Act.

17 (6) Whenever the sentencing order requires the minor to
18 attend school or participate in a program of training, the
19 truant officer or designated school official shall regularly
20 report to the court if the minor is a chronic or habitual
21 truant under Section 26-2a of the School Code. Notwithstanding
22 any other provision of this Act, in instances in which
23 educational services are to be provided to a minor in a
24 residential facility where the minor has been placed by the
25 court, costs incurred in the provision of those educational
26 services must be allocated based on the requirements of the

1 School Code.

2 (7) In no event shall a guilty minor be committed to the
3 Department of Juvenile Justice for a period of time in excess
4 of that period for which an adult could be committed for the
5 same act. The court shall include in the sentencing order a
6 limitation on the period of confinement not to exceed the
7 maximum period of imprisonment the court could impose under
8 Chapter V of the Unified Code of Corrections.

9 (7.5) In no event shall a guilty minor be committed to the
10 Department of Juvenile Justice or placed in detention when the
11 act for which the minor was adjudicated delinquent would not
12 be illegal if committed by an adult.

13 (7.6) In no event shall a guilty minor be committed to the
14 Department of Juvenile Justice for an offense which is a Class
15 4 felony under Section 19-4 (criminal trespass to a
16 residence), 21-1 (criminal damage to property), 21-1.01
17 (criminal damage to government supported property), 21-1.3
18 (criminal defacement of property), 26-1 (disorderly conduct),
19 or 31-4 (obstructing justice) of the Criminal Code of 2012.

20 (7.75) In no event shall a guilty minor be committed to the
21 Department of Juvenile Justice for an offense that is a Class 3
22 or Class 4 felony violation of the Illinois Controlled
23 Substances Act unless the commitment occurs upon a third or
24 subsequent judicial finding of a violation of probation for
25 substantial noncompliance with court-ordered treatment or
26 programming.

1 (8) A minor found to be guilty for reasons that include a
2 violation of Section 21-1.3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 shall be ordered to perform community
4 service for not less than 30 and not more than 120 hours, if
5 community service is available in the jurisdiction. The
6 community service shall include, but need not be limited to,
7 the cleanup and repair of the damage that was caused by the
8 violation or similar damage to property located in the
9 municipality or county in which the violation occurred. The
10 order may be in addition to any other order authorized by this
11 Section.

12 (8.5) A minor found to be guilty for reasons that include a
13 violation of Section 3.02 or Section 3.03 of the Humane Care
14 for Animals Act or paragraph (d) of subsection (1) of Section
15 21-1 of the Criminal Code of 1961 or paragraph (4) of
16 subsection (a) of Section 21-1 of the Criminal Code of 2012
17 shall be ordered to undergo medical or psychiatric treatment
18 rendered by a psychiatrist or psychological treatment rendered
19 by a clinical psychologist. The order may be in addition to any
20 other order authorized by this Section.

21 (9) In addition to any other sentencing order, the court
22 shall order any minor found to be guilty for an act which would
23 constitute, predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, criminal sexual assault,
25 aggravated criminal sexual abuse, or criminal sexual abuse if
26 committed by an adult to undergo medical testing to determine

1 whether the defendant has any sexually transmissible disease
2 including a test for infection with human immunodeficiency
3 virus (HIV) or any other identified causative agency of
4 acquired immunodeficiency syndrome (AIDS). Any medical test
5 shall be performed only by appropriately licensed medical
6 practitioners and may include an analysis of any bodily fluids
7 as well as an examination of the minor's person. Except as
8 otherwise provided by law, the results of the test shall be
9 kept strictly confidential by all medical personnel involved
10 in the testing and must be personally delivered in a sealed
11 envelope to the judge of the court in which the sentencing
12 order was entered for the judge's inspection in camera. Acting
13 in accordance with the best interests of the victim and the
14 public, the judge shall have the discretion to determine to
15 whom the results of the testing may be revealed. The court
16 shall notify the minor of the results of the test for infection
17 with the human immunodeficiency virus (HIV). The court shall
18 also notify the victim if requested by the victim, and if the
19 victim is under the age of 15 and if requested by the victim's
20 parents or legal guardian, the court shall notify the victim's
21 parents or the legal guardian, of the results of the test for
22 infection with the human immunodeficiency virus (HIV). The
23 court shall provide information on the availability of HIV
24 testing and counseling at the Department of Public Health
25 facilities to all parties to whom the results of the testing
26 are revealed. The court shall order that the cost of any test

1 shall be paid by the county and may be taxed as costs against
2 the minor.

3 (10) When a court finds a minor to be guilty the court
4 shall, before entering a sentencing order under this Section,
5 make a finding whether the offense committed either: (a) was
6 related to or in furtherance of the criminal activities of an
7 organized gang or was motivated by the minor's membership in
8 or allegiance to an organized gang, or (b) involved a
9 violation of subsection (a) of Section 12-7.1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012, a violation of any
11 Section of Article 24 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, or a violation of any statute that
13 involved the wrongful use of a firearm. If the court
14 determines the question in the affirmative, and the court does
15 not commit the minor to the Department of Juvenile Justice,
16 the court shall order the minor to perform community service
17 for not less than 30 hours nor more than 120 hours, provided
18 that community service is available in the jurisdiction and is
19 funded and approved by the county board of the county where the
20 offense was committed. The community service shall include,
21 but need not be limited to, the cleanup and repair of any
22 damage caused by a violation of Section 21-1.3 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 and similar damage to
24 property located in the municipality or county in which the
25 violation occurred. When possible and reasonable, the
26 community service shall be performed in the minor's

1 neighborhood. This order shall be in addition to any other
2 order authorized by this Section except for an order to place
3 the minor in the custody of the Department of Juvenile
4 Justice. For the purposes of this Section, "organized gang"
5 has the meaning ascribed to it in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (11) If the court determines that the offense was
8 committed in furtherance of the criminal activities of an
9 organized gang, as provided in subsection (10), and that the
10 offense involved the operation or use of a motor vehicle or the
11 use of a driver's license or permit, the court shall notify the
12 Secretary of State of that determination and of the period for
13 which the minor shall be denied driving privileges. If, at the
14 time of the determination, the minor does not hold a driver's
15 license or permit, the court shall provide that the minor
16 shall not be issued a driver's license or permit until the
17 minor's ~~his or her~~ 18th birthday. If the minor holds a driver's
18 license or permit at the time of the determination, the court
19 shall provide that the minor's driver's license or permit
20 shall be revoked until the minor's ~~his or her~~ 21st birthday, or
21 until a later date or occurrence determined by the court. If
22 the minor holds a driver's license at the time of the
23 determination, the court may direct the Secretary of State to
24 issue the minor a judicial driving permit, also known as a JDP.
25 The JDP shall be subject to the same terms as a JDP issued
26 under Section 6-206.1 of the Illinois Vehicle Code, except

1 that the court may direct that the JDP be effective
2 immediately.

3 (12) (Blank).

4 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;
5 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

6 (705 ILCS 405/5-711)

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

8 (a) Any minor who is placed in the guardianship of the
9 Department of Children and Family Services under Section 5-710
10 while an application for the Family Support Program was
11 pending with the Department of Healthcare and Family Services
12 or an active application was being reviewed by the Department
13 of Healthcare and Family Services shall continue to be
14 considered eligible for services if all other eligibility
15 criteria are met.

16 (b) The court shall conduct a hearing within 14 days upon
17 notification to all parties that an application for the Family
18 Support Program services has been approved and services are
19 available. At the hearing, the court shall determine whether
20 to vacate guardianship of the Department of Children and
21 Family Services and return the minor to the custody of the
22 parent or guardian with Family Support Program services or
23 whether the minor shall continue in the guardianship of the
24 Department of Children and Family Services and decline the
25 Family Support Program services. In making its determination,

1 the court shall consider the minor's best interest, the
2 involvement of the parent or guardian in proceedings under
3 this Act, the involvement of the parent or guardian in the
4 minor's treatment, the relationship between the minor and the
5 parent or guardian, and any other factor the court deems
6 relevant. If the court vacates the guardianship of the
7 Department of Children and Family Services and returns the
8 minor to the custody of the parent or guardian with Family
9 Support Services, the Department of Healthcare and Family
10 Services shall become financially responsible for providing
11 services to the minor. If the court determines that the minor
12 shall continue in the custody of the Department of Children
13 and Family Services, the Department of Children and Family
14 Services shall remain financially responsible for providing
15 services to the minor, the Family Support Services shall be
16 declined, and the minor shall no longer be eligible for Family
17 Support Services.

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

19 (1) for whom a petition has been filed under this Act
20 alleging that the minor ~~he or she~~ is an abused or neglected
21 minor;

22 (2) for whom the court has made a finding that the
23 minor ~~he or she~~ is an abused or neglected minor under this
24 Act except a finding under item (iv) of paragraph (a) of
25 subsection (1) of Section 5-710 that an independent basis
26 of abuse, neglect, or dependency exists; or

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

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

8 (705 ILCS 405/5-715)

9 Sec. 5-715. Probation.

10 (1) The period of probation or conditional discharge shall
11 not exceed 5 years or until the minor has attained the age of
12 21 years, whichever is less, except as provided in this
13 Section for a minor who is found to be guilty for an offense
14 which is first degree murder. The juvenile court may terminate
15 probation or conditional discharge and discharge the minor at
16 any time if warranted by the conduct of the minor and the ends
17 of justice; provided, however, that the period of probation
18 for a minor who is found to be guilty for an offense which is
19 first degree murder shall be at least 5 years.

20 (1.5) The period of probation for a minor who is found
21 guilty of aggravated criminal sexual assault, criminal sexual
22 assault, or aggravated battery with a firearm shall be at
23 least 36 months. The period of probation for a minor who is
24 found to be guilty of any other Class X felony shall be at
25 least 24 months. The period of probation for a Class 1 or Class

1 2 forcible felony shall be at least 18 months. Regardless of
2 the length of probation ordered by the court, for all offenses
3 under this paragraph (1.5), the court shall schedule hearings
4 to determine whether it is in the best interest of the minor
5 and public safety to terminate probation after the minimum
6 period of probation has been served. In such a hearing, there
7 shall be a rebuttable presumption that it is in the best
8 interest of the minor and public safety to terminate
9 probation.

10 (2) The court may as a condition of probation or of
11 conditional discharge require that the minor:

12 (a) not violate any criminal statute of any
13 jurisdiction;

14 (b) make a report to and appear in person before any
15 person or agency as directed by the court;

16 (c) work or pursue a course of study or vocational
17 training;

18 (d) undergo medical or psychiatric treatment, rendered
19 by a psychiatrist or psychological treatment rendered by a
20 clinical psychologist or social work services rendered by
21 a clinical social worker, or treatment for drug addiction
22 or alcoholism;

23 (e) attend or reside in a facility established for the
24 instruction or residence of persons on probation;

25 (f) support the minor's ~~his or her~~ dependents, if any;

26 (g) refrain from possessing a firearm or other

1 dangerous weapon, or an automobile;

2 (h) permit the probation officer to visit the minor
3 ~~him or her~~ at the minor's ~~his or her~~ home or elsewhere;

4 (i) reside with the minor's ~~his or her~~ parents or in a
5 foster home;

6 (j) attend school;

7 (j-5) with the consent of the superintendent of the
8 facility, attend an educational program at a facility
9 other than the school in which the offense was committed
10 if the minor ~~he or she~~ committed a crime of violence as
11 defined in Section 2 of the Crime Victims Compensation Act
12 in a school, on the real property comprising a school, or
13 within 1,000 feet of the real property comprising a
14 school;

15 (k) attend a non-residential program for youth;

16 (l) make restitution under the terms of subsection (4)
17 of Section 5-710;

18 (m) contribute to the minor's ~~his or her~~ own support
19 at home or in a foster home;

20 (n) perform some reasonable public or community
21 service;

22 (o) participate with community corrections programs
23 including unified delinquency intervention services
24 administered by the Department of Human Services subject
25 to Section 5 of the Children and Family Services Act;

26 (p) pay costs;

1 (q) serve a term of home confinement. In addition to
2 any other applicable condition of probation or conditional
3 discharge, the conditions of home confinement shall be
4 that the minor:

5 (i) remain within the interior premises of the
6 place designated for the minor's ~~his or her~~
7 confinement during the hours designated by the court;

8 (ii) admit any person or agent designated by the
9 court into the minor's place of confinement at any
10 time for purposes of verifying the minor's compliance
11 with the conditions of the minor's ~~his or her~~
12 confinement; and

13 (iii) use an approved electronic monitoring device
14 if ordered by the court subject to Article 8A of
15 Chapter V of the Unified Code of Corrections;

16 (r) refrain from entering into a designated geographic
17 area except upon terms as the court finds appropriate. The
18 terms may include consideration of the purpose of the
19 entry, the time of day, other persons accompanying the
20 minor, and advance approval by a probation officer, if the
21 minor has been placed on probation, or advance approval by
22 the court, if the minor has been placed on conditional
23 discharge;

24 (s) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

2 (s-5) undergo a medical or other procedure to have a
3 tattoo symbolizing allegiance to a street gang removed
4 from the minor's ~~his or her~~ body;

5 (t) refrain from having in the minor's ~~his or her~~ body
6 the presence of any illicit drug prohibited by the
7 Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community
9 Protection Act, unless prescribed by a physician, and
10 shall submit samples of the minor's ~~his or her~~ blood or
11 urine or both for tests to determine the presence of any
12 illicit drug; or

13 (u) comply with other conditions as may be ordered by
14 the court.

15 (3) The court may as a condition of probation or of
16 conditional discharge require that a minor found guilty on any
17 alcohol, cannabis, methamphetamine, or controlled substance
18 violation, refrain from acquiring a driver's license during
19 the period of probation or conditional discharge. If the minor
20 is in possession of a permit or license, the court may require
21 that the minor refrain from driving or operating any motor
22 vehicle during the period of probation or conditional
23 discharge, except as may be necessary in the course of the
24 minor's lawful employment.

25 (3.5) The court shall, as a condition of probation or of
26 conditional discharge, require that a minor found to be guilty

1 and placed on probation for reasons that include a violation
2 of Section 3.02 or Section 3.03 of the Humane Care for Animals
3 Act or paragraph (4) of subsection (a) of Section 21-1 of the
4 Criminal Code of 2012 undergo medical or psychiatric treatment
5 rendered by a psychiatrist or psychological treatment rendered
6 by a clinical psychologist. The condition may be in addition
7 to any other condition.

8 (3.10) The court shall order that a minor placed on
9 probation or conditional discharge for a sex offense as
10 defined in the Sex Offender Management Board Act undergo and
11 successfully complete sex offender treatment. The treatment
12 shall be in conformance with the standards developed under the
13 Sex Offender Management Board Act and conducted by a treatment
14 provider approved by the Board. The treatment shall be at the
15 expense of the person evaluated based upon that person's
16 ability to pay for the treatment.

17 (4) A minor on probation or conditional discharge shall be
18 given a certificate setting forth the conditions upon which
19 the minor ~~he or she~~ is being released.

20 (5) The court shall impose upon a minor placed on
21 probation or conditional discharge, as a condition of the
22 probation or conditional discharge, a fee of \$50 for each
23 month of probation or conditional discharge supervision
24 ordered by the court, unless after determining the inability
25 of the minor placed on probation or conditional discharge to
26 pay the fee, the court assesses a lesser amount. The court may

1 not impose the fee on a minor who is placed in the guardianship
2 or custody of the Department of Children and Family Services
3 under this Act while the minor is in placement. The fee shall
4 be imposed only upon a minor who is actively supervised by the
5 probation and court services department. The court may order
6 the parent, guardian, or legal custodian of the minor to pay
7 some or all of the fee on the minor's behalf.

8 (5.5) Jurisdiction over an offender may be transferred
9 from the sentencing court to the court of another circuit with
10 the concurrence of both courts. Further transfers or
11 retransfers of jurisdiction are also authorized in the same
12 manner. The court to which jurisdiction has been transferred
13 shall have the same powers as the sentencing court. The
14 probation department within the circuit to which jurisdiction
15 has been transferred, or which has agreed to provide
16 supervision, may impose probation fees upon receiving the
17 transferred offender, as provided in subsection (i) of Section
18 5-6-3 of the Unified Code of Corrections. For all transfer
19 cases, as defined in Section 9b of the Probation and Probation
20 Officers Act, the probation department from the original
21 sentencing court shall retain all probation fees collected
22 prior to the transfer. After the transfer, all probation fees
23 shall be paid to the probation department within the circuit
24 to which jurisdiction has been transferred.

25 If the transfer case originated in another state and has
26 been transferred under the Interstate Compact for Juveniles to

1 the jurisdiction of an Illinois circuit court for supervision
2 by an Illinois probation department, probation fees may be
3 imposed only if permitted by the Interstate Commission for
4 Juveniles.

5 (6) The General Assembly finds that in order to protect
6 the public, the juvenile justice system must compel compliance
7 with the conditions of probation by responding to violations
8 with swift, certain, and fair punishments and intermediate
9 sanctions. The Chief Judge of each circuit shall adopt a
10 system of structured, intermediate sanctions for violations of
11 the terms and conditions of a sentence of supervision,
12 probation or conditional discharge, under this Act.

13 The court shall provide as a condition of a disposition of
14 probation, conditional discharge, or supervision, that the
15 probation agency may invoke any sanction from the list of
16 intermediate sanctions adopted by the chief judge of the
17 circuit court for violations of the terms and conditions of
18 the sentence of probation, conditional discharge, or
19 supervision, subject to the provisions of Section 5-720 of
20 this Act.

21 (Source: P.A. 99-879, eff. 1-1-17; 100-159, eff. 8-18-17.)

22 (705 ILCS 405/5-720)

23 Sec. 5-720. Probation revocation.

24 (1) If a petition is filed charging a violation of a
25 condition of probation or of conditional discharge, the court

1 shall:

2 (a) order the minor to appear; or

3 (b) order the minor's detention if the court finds
4 that the detention is a matter of immediate and urgent
5 necessity for the protection of the minor or of the person
6 or property of another or that the minor is likely to flee
7 the jurisdiction of the court, provided that any such
8 detention shall be in a juvenile detention home and the
9 minor so detained shall be 10 years of age or older; and

10 (c) notify the persons named in the petition under
11 Section 5-520, in accordance with the provisions of
12 Section 5-530.

13 In making its detention determination under paragraph (b)
14 of this subsection (1) of this Section, the court may use
15 information in its findings offered at such a hearing by way of
16 proffer based upon reliable information presented by the
17 State, probation officer, or the minor. The filing of a
18 petition for violation of a condition of probation or of
19 conditional discharge shall toll the period of probation or of
20 conditional discharge until the final determination of the
21 charge, and the term of probation or conditional discharge
22 shall not run until the hearing and disposition of the
23 petition for violation.

24 (2) The court shall conduct a hearing of the alleged
25 violation of probation or of conditional discharge. The minor
26 shall not be held in detention longer than 15 days pending the

1 determination of the alleged violation.

2 (3) At the hearing, the State shall have the burden of
3 going forward with the evidence and proving the violation by a
4 preponderance of the evidence. The evidence shall be presented
5 in court with the right of confrontation, cross-examination,
6 and representation by counsel.

7 (4) If the court finds that the minor has violated a
8 condition at any time prior to the expiration or termination
9 of the period of probation or conditional discharge, it may
10 continue the minor ~~him or her~~ on the existing sentence, with or
11 without modifying or enlarging the conditions, or may revoke
12 probation or conditional discharge and impose any other
13 sentence that was available under Section 5-710 at the time of
14 the initial sentence.

15 (5) The conditions of probation and of conditional
16 discharge may be reduced or enlarged by the court on motion of
17 the probation officer or on its own motion or at the request of
18 the minor after notice and hearing under this Section.

19 (6) Sentencing after revocation of probation or of
20 conditional discharge shall be under Section 5-705.

21 (7) Instead of filing a violation of probation or of
22 conditional discharge, the probation officer, with the
23 concurrence of the probation officer's ~~his or her~~ supervisor,
24 may serve on the minor a notice of intermediate sanctions. The
25 notice shall contain the technical violation or violations
26 involved, the date or dates of the violation or violations,

1 and the intermediate sanctions to be imposed. Upon receipt of
2 the notice, the minor shall immediately accept or reject the
3 intermediate sanctions. If the sanctions are accepted, they
4 shall be imposed immediately. If the intermediate sanctions
5 are rejected or the minor does not respond to the notice, a
6 violation of probation or of conditional discharge shall be
7 immediately filed with the court. The State's Attorney and the
8 sentencing court shall be notified of the notice of sanctions.
9 Upon successful completion of the intermediate sanctions, a
10 court may not revoke probation or conditional discharge or
11 impose additional sanctions for the same violation. A notice
12 of intermediate sanctions may not be issued for any violation
13 of probation or conditional discharge which could warrant an
14 additional, separate felony charge.

15 (Source: P.A. 90-590, eff. 1-1-99.)

16 (705 ILCS 405/5-725)

17 Sec. 5-725. Protective supervision. If the sentencing
18 order releases the minor to the custody of the minor's ~~his or~~
19 ~~her~~ parents, guardian or legal custodian, or continues the
20 minor ~~him or her~~ in such custody, the court may place the
21 person having custody of the minor, except for representatives
22 of private or public agencies or governmental departments,
23 under supervision of the probation office. Rules or orders of
24 court shall define the terms and conditions of protective
25 supervision, which may be modified or terminated when the

1 court finds that the best interests of the minor and the public
2 will be served by modifying or terminating protective
3 supervision.

4 (Source: P.A. 90-590, eff. 1-1-99.)

5 (705 ILCS 405/5-730)

6 Sec. 5-730. Order of protection.

7 (1) The court may make an order of protection in
8 assistance of or as a condition of any other order authorized
9 by this Act. The order of protection may set forth reasonable
10 conditions of behavior to be observed for a specified period.
11 The order may require a person:

12 (a) to stay away from the home or the minor;

13 (b) to permit a parent to visit the minor at stated
14 periods;

15 (c) to abstain from offensive conduct against the
16 minor, the minor's ~~his or her~~ parent or any person to whom
17 custody of the minor is awarded;

18 (d) to give proper attention to the care of the home;

19 (e) to cooperate in good faith with an agency to which
20 custody of a minor is entrusted by the court or with an
21 agency or association to which the minor is referred by
22 the court;

23 (f) to prohibit and prevent any contact whatsoever
24 with the respondent minor by a specified individual or
25 individuals who are alleged in either a criminal or

1 juvenile proceeding to have caused injury to a respondent
2 minor or a sibling of a respondent minor;

3 (g) to refrain from acts of commission or omission
4 that tend to make the home not a proper place for the
5 minor.

6 (2) The court shall enter an order of protection to
7 prohibit and prevent any contact between a respondent minor or
8 a sibling of a respondent minor and any person named in a
9 petition seeking an order of protection who has been convicted
10 of heinous battery or aggravated battery under subdivision
11 (a)(2) of Section 12-3.05, aggravated battery of a child or
12 aggravated battery under subdivision (b)(1) of Section
13 12-3.05, criminal sexual assault, aggravated criminal sexual
14 assault, predatory criminal sexual assault of a child,
15 criminal sexual abuse, or aggravated criminal sexual abuse as
16 described in the Criminal Code of 1961 or the Criminal Code of
17 2012, or has been convicted of an offense that resulted in the
18 death of a child, or has violated a previous order of
19 protection under this Section.

20 (3) When the court issues an order of protection against
21 any person as provided by this Section, the court shall direct
22 a copy of such order to the sheriff of that county. The sheriff
23 shall furnish a copy of the order of protection to the Illinois
24 State Police within 24 hours of receipt, in the form and manner
25 required by the Department. The Illinois State Police shall
26 maintain a complete record and index of the orders of

1 protection and make this data available to all local law
2 enforcement agencies.

3 (4) After notice and opportunity for hearing afforded to a
4 person subject to an order of protection, the order may be
5 modified or extended for a further specified period or both or
6 may be terminated if the court finds that the best interests of
7 the minor and the public will be served by the modification,
8 extension, or termination.

9 (5) An order of protection may be sought at any time during
10 the course of any proceeding conducted under this Act. Any
11 person against whom an order of protection is sought may
12 retain counsel to represent the person ~~him or her~~ at a hearing,
13 and has rights to be present at the hearing, to be informed
14 prior to the hearing in writing of the contents of the petition
15 seeking a protective order and of the date, place, and time of
16 the hearing, and to cross-examine witnesses called by the
17 petitioner and to present witnesses and argument in opposition
18 to the relief sought in the petition.

19 (6) Diligent efforts shall be made by the petitioner to
20 serve any person or persons against whom any order of
21 protection is sought with written notice of the contents of
22 the petition seeking a protective order and of the date, place
23 and time at which the hearing on the petition is to be held.
24 When a protective order is being sought in conjunction with a
25 shelter care or detention hearing, if the court finds that the
26 person against whom the protective order is being sought has

1 been notified of the hearing or that diligent efforts have
2 been made to notify the person, the court may conduct a
3 hearing. If a protective order is sought at any time other than
4 in conjunction with a shelter care or detention hearing, the
5 court may not conduct a hearing on the petition in the absence
6 of the person against whom the order is sought unless the
7 petitioner has notified the person by personal service at
8 least 3 days before the hearing or has sent written notice by
9 first class mail to the person's last known address at least 5
10 days before the hearing.

11 (7) A person against whom an order of protection is being
12 sought who is neither a parent, guardian, or legal custodian
13 or responsible relative as described in Section 1-5 of this
14 Act or is not a party or respondent as defined in that Section
15 shall not be entitled to the rights provided in that Section.
16 The person does not have a right to appointed counsel or to be
17 present at any hearing other than the hearing in which the
18 order of protection is being sought or a hearing directly
19 pertaining to that order. Unless the court orders otherwise,
20 the person does not have a right to inspect the court file.

21 (8) All protective orders entered under this Section shall
22 be in writing. Unless the person against whom the order was
23 obtained was present in court when the order was issued, the
24 sheriff, other law enforcement official, or special process
25 server shall promptly serve that order upon that person and
26 file proof of that service, in the manner provided for service

1 of process in civil proceedings. The person against whom the
2 protective order was obtained may seek a modification of the
3 order by filing a written motion to modify the order within 7
4 days after actual receipt by the person of a copy of the order.
5 (Source: P.A. 102-538, eff. 8-20-21.)

6 (705 ILCS 405/5-735)

7 Sec. 5-735. Enforcement of orders of protective
8 supervision or of protection.

9 (1) Orders of protective supervision and orders of
10 protection may be enforced by citation to show cause for
11 contempt of court by reason of any violation of the order and,
12 where protection of the welfare of the minor so requires, by
13 the issuance of a warrant to take the alleged violator into
14 custody and bring the minor ~~him or her~~ before the court.

15 (2) In any case where an order of protection has been
16 entered, the clerk of the court may issue to the petitioner, to
17 the minor or to any other person affected by the order a
18 certificate stating that an order of protection has been made
19 by the court concerning those persons and setting forth its
20 terms and requirements. The presentation of the certificate to
21 any peace officer authorizes the officer ~~him or her~~ to take
22 into custody a person charged with violating the terms of the
23 order of protection, to bring the person before the court and,
24 within the limits of the officer's ~~his or her~~ legal authority
25 as a peace officer, otherwise to aid in securing the

1 protection the order is intended to afford.

2 (Source: P.A. 90-590, eff. 1-1-99.)

3 (705 ILCS 405/5-740)

4 Sec. 5-740. Placement; legal custody or guardianship.

5 (1) If the court finds that the parents, guardian, or
6 legal custodian of a minor adjudged a ward of the court are
7 unfit or are unable, for some reason other than financial
8 circumstances alone, to care for, protect, train or discipline
9 the minor or are unwilling to do so, and that appropriate
10 services aimed at family preservation and family reunification
11 have been unsuccessful in rectifying the conditions which have
12 led to a finding of unfitness or inability to care for,
13 protect, train or discipline the minor, and that it is in the
14 best interest of the minor to take the minor ~~him or her~~ from
15 the custody of the minor's ~~his or her~~ parents, guardian or
16 custodian, the court may:

17 (a) place the minor ~~him or her~~ in the custody of a
18 suitable relative or other person;

19 (b) place the minor ~~him or her~~ under the guardianship
20 of a probation officer;

21 (c) commit the minor ~~him or her~~ to an agency for care
22 or placement, except an institution under the authority of
23 the Department of Juvenile Justice or of the Department of
24 Children and Family Services;

25 (d) commit the minor ~~him or her~~ to some licensed

1 training school or industrial school; or

2 (e) commit the minor ~~him or her~~ to any appropriate
3 institution having among its purposes the care of
4 delinquent children, including a child protective facility
5 maintained by a child protection district serving the
6 county from which commitment is made, but not including
7 any institution under the authority of the Department of
8 Juvenile Justice or of the Department of Children and
9 Family Services.

10 (2) When making such placement, the court, wherever
11 possible, shall select a person holding the same religious
12 belief as that of the minor or a private agency controlled by
13 persons of like religious faith of the minor and shall require
14 the Department of Children and Family Services to otherwise
15 comply with Section 7 of the Children and Family Services Act
16 in placing the child. In addition, whenever alternative plans
17 for placement are available, the court shall ascertain and
18 consider, to the extent appropriate in the particular case,
19 the views and preferences of the minor.

20 (3) When a minor is placed with a suitable relative or
21 other person, the court shall appoint the suitable relative or
22 other person ~~him or her~~ the legal custodian or guardian of the
23 person of the minor. When a minor is committed to any agency,
24 the court shall appoint the proper officer or representative
25 of the proper officer as legal custodian or guardian of the
26 person of the minor. Legal custodians and guardians of the

1 person of the minor have the respective rights and duties set
2 forth in subsection (9) of Section 5-105 except as otherwise
3 provided by order of court; but no guardian of the person may
4 consent to adoption of the minor. An agency whose
5 representative is appointed guardian of the person or legal
6 custodian of the minor may place the minor ~~him or her~~ in any
7 child care facility, but the facility must be licensed under
8 the Child Care Act of 1969 or have been approved by the
9 Department of Children and Family Services as meeting the
10 standards established for such licensing. Like authority and
11 restrictions shall be conferred by the court upon any
12 probation officer who has been appointed guardian of the
13 person of a minor.

14 (4) No placement by any probation officer or agency whose
15 representative is appointed guardian of the person or legal
16 custodian of a minor may be made in any out of State child care
17 facility unless it complies with the Interstate Compact on the
18 Placement of Children.

19 (5) The clerk of the court shall issue to the guardian or
20 legal custodian of the person a certified copy of the order of
21 court, as proof of the guardian's or legal custodian's ~~his or~~
22 ~~her~~ authority. No other process is necessary as authority for
23 the keeping of the minor.

24 (6) Legal custody or guardianship granted under this
25 Section continues until the court otherwise directs, but not
26 after the minor reaches the age of 21 years except as set forth

1 in Section 5-750.

2 (Source: P.A. 99-628, eff. 1-1-17.)

3 (705 ILCS 405/5-745)

4 Sec. 5-745. Court review.

5 (1) The court may require any legal custodian or guardian
6 of the person appointed under this Act, including the
7 Department of Juvenile Justice for youth committed under
8 Section 5-750 of this Act, to report periodically to the court
9 or may cite the legal custodian or guardian ~~him or her~~ into
10 court and require the legal custodian or guardian ~~him or her~~,
11 or the legal custodian's or guardian's ~~his or her~~ agency, to
12 make a full and accurate report of the ~~his or her or its~~ doings
13 of the legal custodian, guardian, or agency on ~~in~~ behalf of the
14 minor, including efforts to secure post-release placement of
15 the youth after release from the Department's facilities. The
16 legal custodian or guardian, within 10 days after the
17 citation, shall make the report, either in writing verified by
18 affidavit or orally under oath in open court, or otherwise as
19 the court directs. Upon the hearing of the report the court may
20 remove the legal custodian or guardian and appoint another in
21 the legal custodian's or guardian's ~~his or her~~ stead or
22 restore the minor to the custody of the minor's ~~his or her~~
23 parents or former guardian or legal custodian.

24 (2) If the Department of Children and Family Services is
25 appointed legal custodian or guardian of a minor under Section

1 5-740 of this Act, the Department of Children and Family
2 Services shall file updated case plans with the court every 6
3 months. Every agency which has guardianship of a child shall
4 file a supplemental petition for court review, or review by an
5 administrative body appointed or approved by the court and
6 further order within 18 months of the sentencing order and
7 each 18 months thereafter. The petition shall state facts
8 relative to the child's present condition of physical, mental
9 and emotional health as well as facts relative to the minor's
10 ~~his or her~~ present custodial or foster care. The petition
11 shall be set for hearing and the clerk shall mail 10 days
12 notice of the hearing by certified mail, return receipt
13 requested, to the person or agency having the physical custody
14 of the child, the minor and other interested parties unless a
15 written waiver of notice is filed with the petition.

16 If the minor is in the custody of the Illinois Department
17 of Children and Family Services, pursuant to an order entered
18 under this Article, the court shall conduct permanency
19 hearings as set out in subsections (1), (2), and (3) of Section
20 2-28 of Article II of this Act.

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

24 (3) The minor or any person interested in the minor may
25 apply to the court for a change in custody of the minor and the
26 appointment of a new custodian or guardian of the person or for

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

11 (4) If the minor is committed to the Department of
12 Juvenile Justice under Section 5-750 of this Act, the
13 Department shall notify the court in writing of the occurrence
14 of any of the following:

15 (a) a critical incident involving a youth committed to
16 the Department; as used in this paragraph (a), "critical
17 incident" means any incident that involves a serious risk
18 to the life, health, or well-being of the youth and
19 includes, but is not limited to, an accident or suicide
20 attempt resulting in serious bodily harm or
21 hospitalization, psychiatric hospitalization, alleged or
22 suspected abuse, or escape or attempted escape from
23 custody, filed within 10 days of the occurrence;

24 (b) a youth who has been released by the Prisoner
25 Review Board but remains in a Department facility solely
26 because the youth does not have an approved aftercare

1 release host site, filed within 10 days of the occurrence;

2 (c) a youth, except a youth who has been adjudicated a
3 habitual or violent juvenile offender under Section 5-815
4 or 5-820 of this Act or committed for first degree murder,
5 who has been held in a Department facility for over one
6 consecutive year; or

7 (d) if a report has been filed under paragraph (c) of
8 this subsection, a supplemental report shall be filed
9 every 6 months thereafter.

10 The notification required by this subsection (4) shall contain
11 a brief description of the incident or situation and a summary
12 of the youth's current physical, mental, and emotional health
13 and the actions the Department took in response to the
14 incident or to identify an aftercare release host site, as
15 applicable. Upon receipt of the notification, the court may
16 require the Department to make a full report under subsection
17 (1) of this Section.

18 (5) With respect to any report required to be filed with
19 the court under this Section, the Independent Juvenile
20 Ombudsperson ~~Ombudsman~~ shall provide a copy to the minor's
21 court appointed guardian ad litem, if the Department has
22 received written notice of the appointment, and to the minor's
23 attorney, if the Department has received written notice of
24 representation from the attorney. If the Department has a
25 record that a guardian has been appointed for the minor and a
26 record of the last known address of the minor's court

1 appointed guardian, the Independent Juvenile Ombudsperson
2 ~~Ombudsman~~ shall send a notice to the guardian that the report
3 is available and will be provided by the Independent Juvenile
4 Ombudsperson ~~Ombudsman~~ upon request. If the Department has no
5 record regarding the appointment of a guardian for the minor,
6 and the Department's records include the last known addresses
7 of the minor's parents, the Independent Juvenile Ombudsperson
8 ~~Ombudsman~~ shall send a notice to the parents that the report is
9 available and will be provided by the Independent Juvenile
10 Ombudsperson ~~Ombudsman~~ upon request.

11 (Source: P.A. 99-628, eff. 1-1-17; 99-664, eff. 1-1-17;
12 100-201, eff. 8-18-17.)

13 (705 ILCS 405/5-750)

14 Sec. 5-750. Commitment to the Department of Juvenile
15 Justice.

16 (1) Except as provided in subsection (2) of this Section,
17 when any delinquent has been adjudged a ward of the court under
18 this Act, the court may commit the minor ~~him or her~~ to the
19 Department of Juvenile Justice, if it finds that (a) the
20 minor's ~~his or her~~ parents, guardian or legal custodian are
21 unfit or are unable, for some reason other than financial
22 circumstances alone, to care for, protect, train or discipline
23 the minor, or are unwilling to do so, and the best interests of
24 the minor and the public will not be served by placement under
25 Section 5-740, or it is necessary to ensure the protection of

1 the public from the consequences of criminal activity of the
2 delinquent; and (b) commitment to the Department of Juvenile
3 Justice is the least restrictive alternative based on evidence
4 that efforts were made to locate less restrictive alternatives
5 to secure confinement and the reasons why efforts were
6 unsuccessful in locating a less restrictive alternative to
7 secure confinement. Before the court commits a minor to the
8 Department of Juvenile Justice, it shall make a finding that
9 secure confinement is necessary, following a review of the
10 following individualized factors:

11 (A) Age of the minor.

12 (B) Criminal background of the minor.

13 (C) Review of results of any assessments of the minor,
14 including child centered assessments such as the CANS.

15 (D) Educational background of the minor, indicating
16 whether the minor has ever been assessed for a learning
17 disability, and if so what services were provided as well
18 as any disciplinary incidents at school.

19 (E) Physical, mental and emotional health of the
20 minor, indicating whether the minor has ever been
21 diagnosed with a health issue and if so what services were
22 provided and whether the minor was compliant with
23 services.

24 (F) Community based services that have been provided
25 to the minor, and whether the minor was compliant with the
26 services, and the reason the services were unsuccessful.

1 (G) Services within the Department of Juvenile Justice
2 that will meet the individualized needs of the minor.

3 (1.5) Before the court commits a minor to the Department
4 of Juvenile Justice, the court must find reasonable efforts
5 have been made to prevent or eliminate the need for the minor
6 to be removed from the home, or reasonable efforts cannot, at
7 this time, for good cause, prevent or eliminate the need for
8 removal, and removal from home is in the best interests of the
9 minor, the minor's family, and the public.

10 (2) When a minor of the age of at least 13 years is
11 adjudged delinquent for the offense of first degree murder,
12 the court shall declare the minor a ward of the court and order
13 the minor committed to the Department of Juvenile Justice
14 until the minor's 21st birthday, without the possibility of
15 aftercare release, furlough, or non-emergency authorized
16 absence for a period of 5 years from the date the minor was
17 committed to the Department of Juvenile Justice, except that
18 the time that a minor spent in custody for the instant offense
19 before being committed to the Department of Juvenile Justice
20 shall be considered as time credited towards that 5 year
21 period. Upon release from a Department facility, a minor
22 adjudged delinquent for first degree murder shall be placed on
23 aftercare release until the age of 21, unless sooner
24 discharged from aftercare release or custodianship is
25 otherwise terminated in accordance with this Act or as
26 otherwise provided for by law. Nothing in this subsection (2)

1 shall preclude the State's Attorney from seeking to prosecute
2 a minor as an adult as an alternative to proceeding under this
3 Act.

4 (3) Except as provided in subsection (2), the commitment
5 of a delinquent to the Department of Juvenile Justice shall be
6 for an indeterminate term which shall automatically terminate
7 upon the delinquent attaining the age of 21 years or upon
8 completion of that period for which an adult could be
9 committed for the same act, whichever occurs sooner, unless
10 the delinquent is sooner discharged from aftercare release or
11 custodianship is otherwise terminated in accordance with this
12 Act or as otherwise provided for by law.

13 (3.5) Every delinquent minor committed to the Department
14 of Juvenile Justice under this Act shall be eligible for
15 aftercare release without regard to the length of time the
16 minor has been confined or whether the minor has served any
17 minimum term imposed. Aftercare release shall be administered
18 by the Department of Juvenile Justice, under the direction of
19 the Director. Unless sooner discharged, the Department of
20 Juvenile Justice shall discharge a minor from aftercare
21 release upon completion of the following aftercare release
22 terms:

23 (a) One and a half years from the date a minor is
24 released from a Department facility, if the minor was
25 committed for a Class X felony;

26 (b) One year from the date a minor is released from a

1 Department facility, if the minor was committed for a
2 Class 1 or 2 felony; and

3 (c) Six months from the date a minor is released from a
4 Department facility, if the minor was committed for a
5 Class 3 felony or lesser offense.

6 (4) When the court commits a minor to the Department of
7 Juvenile Justice, it shall order the minor ~~him or her~~ conveyed
8 forthwith to the appropriate reception station or other place
9 designated by the Department of Juvenile Justice, and shall
10 appoint the Director of Juvenile Justice legal custodian of
11 the minor. The clerk of the court shall issue to the Director
12 of Juvenile Justice a certified copy of the order, which
13 constitutes proof of the Director's authority. No other
14 process need issue to warrant the keeping of the minor.

15 (5) If a minor is committed to the Department of Juvenile
16 Justice, the clerk of the court shall forward to the
17 Department:

18 (a) the sentencing order and copies of committing
19 petition;

20 (b) all reports;

21 (c) the court's statement of the basis for ordering
22 the disposition;

23 (d) any sex offender evaluations;

24 (e) any risk assessment or substance abuse treatment
25 eligibility screening and assessment of the minor by an
26 agent designated by the State to provide assessment

1 services for the courts;

2 (f) the number of days, if any, which the minor has
3 been in custody and for which the minor ~~he or she~~ is
4 entitled to credit against the sentence, which information
5 shall be provided to the clerk by the sheriff;

6 (g) any medical or mental health records or summaries
7 of the minor;

8 (h) the municipality where the arrest of the minor
9 occurred, the commission of the offense occurred, and the
10 minor resided at the time of commission;

11 (h-5) a report detailing the minor's criminal history
12 in a manner and form prescribed by the Department of
13 Juvenile Justice;

14 (i) all additional matters which the court directs the
15 clerk to transmit; and

16 (j) all police reports for sex offenses as defined by
17 the Sex Offender Management Board Act.

18 (6) Whenever the Department of Juvenile Justice lawfully
19 discharges from its custody and control a minor committed to
20 it, the Director of Juvenile Justice shall petition the court
21 for an order terminating the minor's ~~his or her~~ custodianship.
22 The custodianship shall terminate automatically 30 days after
23 receipt of the petition unless the court orders otherwise.

24 (7) If, while on aftercare release, a minor committed to
25 the Department of Juvenile Justice who resides in this State
26 is charged under the criminal laws of this State, the criminal

1 laws of any other state, or federal law with an offense that
2 could result in a sentence of imprisonment within the
3 Department of Corrections, the penal system of any state, or
4 the federal Bureau of Prisons, the commitment to the
5 Department of Juvenile Justice and all rights and duties
6 created by that commitment are automatically suspended pending
7 final disposition of the criminal charge. If the minor is
8 found guilty of the criminal charge and sentenced to a term of
9 imprisonment in the penitentiary system of the Department of
10 Corrections, the penal system of any state, or the federal
11 Bureau of Prisons, the commitment to the Department of
12 Juvenile Justice shall be automatically terminated. If the
13 criminal charge is dismissed, the minor is found not guilty,
14 or the minor completes a criminal sentence other than
15 imprisonment within the Department of Corrections, the penal
16 system of any state, or the federal Bureau of Prisons, the
17 previously imposed commitment to the Department of Juvenile
18 Justice and the full aftercare release term shall be
19 automatically reinstated unless custodianship is sooner
20 terminated. Nothing in this subsection (7) shall preclude the
21 court from ordering another sentence under Section 5-710 of
22 this Act or from terminating the Department's custodianship
23 while the commitment to the Department is suspended.

24 (Source: P.A. 101-159, eff. 1-1-20; 102-350, eff. 8-13-21.)

1 Sec. 5-755. Duration of wardship and discharge of
2 proceedings.

3 (1) All proceedings under this Act in respect of any minor
4 for whom a petition was filed on or after the effective date of
5 this amendatory Act of 1998 automatically terminate upon the
6 minor ~~his or her~~ attaining the age of 21 years except that
7 provided in Section 5-810.

8 (2) Whenever the court finds that the best interests of
9 the minor and the public no longer require the wardship of the
10 court, the court shall order the wardship terminated and all
11 proceedings under this Act respecting that minor finally
12 closed and discharged. The court may at the same time continue
13 or terminate any custodianship or guardianship previously
14 ordered but the termination must be made in compliance with
15 Section 5-745.

16 (3) The wardship of the minor and any legal custodianship
17 or guardianship respecting the minor for whom a petition was
18 filed on or after the effective date of this amendatory Act of
19 1998 automatically terminates when the minor ~~he or she~~ attains
20 the age of 21 years except as set forth in subsection (1) of
21 this Section. The clerk of the court shall at that time record
22 all proceedings under this Act as finally closed and
23 discharged for that reason.

24 (Source: P.A. 90-590, eff. 1-1-99.)

25 (705 ILCS 405/5-7A-105)

1 Sec. 5-7A-105. Definitions. As used in this Article:

2 (a) "Approved electronic monitoring device" means a device
3 approved by the supervising authority that is primarily
4 intended to record or transmit information as to the minor's
5 presence or nonpresence in the home. An approved electronic
6 monitoring device may record or transmit: oral or wire
7 communications or an auditory sound; visual images; or
8 information regarding the minor's activities while inside the
9 offender's home. These devices are subject to the required
10 consent as set forth in Section 5-7A-125 of this Article. An
11 approved electronic monitoring device may be used to record a
12 conversation between the participant and the monitoring
13 device, or the participant and the person supervising the
14 participant solely for the purpose of identification and not
15 for the purpose of eavesdropping or conducting any other
16 illegally intrusive monitoring.

17 (b) "Excluded offenses" means any act if committed by an
18 adult would constitute first degree murder, escape, aggravated
19 criminal sexual assault, criminal sexual assault, aggravated
20 battery with a firearm, bringing or possessing a firearm,
21 ammunition, or explosive in a penal institution, any "Super-X"
22 drug offense or calculated criminal drug conspiracy or
23 streetgang criminal drug conspiracy, or any predecessor or
24 successor offenses with the same or substantially the same
25 elements, or any inchoate offenses relating to the foregoing
26 offenses.

1 (c) "Home detention" means the confinement of a minor
2 adjudicated delinquent or subject to an adjudicatory hearing
3 under Article V for an act that if committed by an adult would
4 be an offense to the minor's ~~his or her~~ place of residence
5 under the terms and conditions established by the supervising
6 authority.

7 (d) "Participant" means a minor placed into an electronic
8 monitoring program.

9 (e) "Supervising authority" means the Department of
10 Juvenile Justice, probation supervisory authority, sheriff,
11 superintendent of a juvenile detention center, or any other
12 officer or agency charged with authorizing and supervising
13 home detention.

14 (f) "Super-X drug offense" means a violation of clause
15 (a) (1) (B), (C), or (D) of Section 401; clause (a) (2) (B), (C),
16 or (D) of Section 401; clause (a) (3) (B), (C), or (D) of Section
17 401; or clause (a) (7) (B), (C), or (D) of Section 401 of the
18 Illinois Controlled Substances Act.

19 (Source: P.A. 96-293, eff. 1-1-10.)

20 (705 ILCS 405/5-7A-115)

21 Sec. 5-7A-115. Program description. The supervising
22 authority may promulgate rules that prescribe reasonable
23 guidelines under which an electronic monitoring and home
24 detention program shall operate. These rules shall include,
25 but not be limited to, the following:

1 (A) The participant shall remain within the interior
2 premises or within the property boundaries of the
3 participant's ~~his or her~~ residence at all times during the
4 hours designated by the supervising authority. Such
5 instances of approved absences from the home may include,
6 but are not limited to, the following:

7 (1) working or employment approved by the court or
8 traveling to or from approved employment;

9 (2) unemployed and seeking employment approved for
10 the participant by the court;

11 (3) undergoing medical, psychiatric, mental health
12 treatment, counseling, or other treatment programs
13 approved for the participant by the court;

14 (4) attending an educational institution or a
15 program approved for the participant by the court;

16 (5) attending a regularly scheduled religious
17 service at a place of worship;

18 (6) participating in community work release or
19 community service programs approved for the
20 participant by the supervising authority; or

21 (7) for another compelling reason consistent with
22 the public interest, as approved by the supervising
23 authority.

24 (B) The participant shall admit any person or agent
25 designated by the supervising authority into the
26 participant's ~~his or her~~ residence at any time for

1 purposes of verifying the participant's compliance with
2 the conditions of the participant's ~~his or her~~ detention.

3 (C) The participant shall make the necessary
4 arrangements to allow for any person or agent designated
5 by the supervising authority to visit the participant's
6 place of education or employment at any time, based upon
7 the approval of the educational institution or employer or
8 both, for the purpose of verifying the participant's
9 compliance with the conditions of the participant's ~~his or~~
10 ~~her~~ detention.

11 (D) The participant shall acknowledge and participate
12 with the approved electronic monitoring device as
13 designated by the supervising authority at any time for
14 the purpose of verifying the participant's compliance with
15 the conditions of the participant's ~~his or her~~ detention.

16 (E) The participant shall maintain the following:

17 (1) a working telephone in the participant's home;

18 (2) a monitoring device in the participant's home
19 or on the participant's person, or both; and

20 (3) a monitoring device in the participant's home
21 and on the participant's person in the absence of a
22 telephone.

23 (F) The participant shall obtain approval from the
24 supervising authority before the participant changes
25 residence or the schedule described in paragraph (A) of
26 this Section.

1 (G) The participant shall not commit another act that
2 if committed by an adult would constitute a crime during
3 the period of home detention ordered by the court.

4 (H) Notice to the participant that violation of the
5 order for home detention may subject the participant to an
6 adjudicatory hearing for escape as described in Section
7 5-7A-120.

8 (I) The participant shall abide by other conditions as
9 set by the supervising authority.

10 (Source: P.A. 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

11 (705 ILCS 405/5-810)

12 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

13 (1) (a) If the State's Attorney files a petition, at any
14 time prior to commencement of the minor's trial, to designate
15 the proceeding as an extended jurisdiction juvenile
16 prosecution and the petition alleges the commission by a minor
17 13 years of age or older of any offense which would be a felony
18 if committed by an adult, and, if the juvenile judge assigned
19 to hear and determine petitions to designate the proceeding as
20 an extended jurisdiction juvenile prosecution determines that
21 there is probable cause to believe that the allegations in the
22 petition and motion are true, there is a rebuttable
23 presumption that the proceeding shall be designated as an
24 extended jurisdiction juvenile proceeding.

25 (b) The judge shall enter an order designating the

1 proceeding as an extended jurisdiction juvenile proceeding
2 unless the judge makes a finding based on clear and convincing
3 evidence that sentencing under the Chapter V of the Unified
4 Code of Corrections would not be appropriate for the minor
5 based on an evaluation of the following factors:

6 (i) the age of the minor;

7 (ii) the history of the minor, including:

8 (A) any previous delinquent or criminal history of
9 the minor,

10 (B) any previous abuse or neglect history of the
11 minor, and

12 (C) any mental health, physical and/or educational
13 history of the minor;

14 (iii) the circumstances of the offense, including:

15 (A) the seriousness of the offense,

16 (B) whether the minor is charged through
17 accountability,

18 (C) whether there is evidence the offense was
19 committed in an aggressive and premeditated manner,

20 (D) whether there is evidence the offense caused
21 serious bodily harm,

22 (E) whether there is evidence the minor possessed
23 a deadly weapon;

24 (iv) the advantages of treatment within the juvenile
25 justice system including whether there are facilities or
26 programs, or both, particularly available in the juvenile

1 system;

2 (v) whether the security of the public requires
3 sentencing under Chapter V of the Unified Code of
4 Corrections:

5 (A) the minor's history of services, including the
6 minor's willingness to participate meaningfully in
7 available services;

8 (B) whether there is a reasonable likelihood that
9 the minor can be rehabilitated before the expiration
10 of the juvenile court's jurisdiction;

11 (C) the adequacy of the punishment or services.

12 In considering these factors, the court shall give greater
13 weight to the seriousness of the alleged offense, and the
14 minor's prior record of delinquency than to other factors
15 listed in this subsection.

16 (2) Procedures for extended jurisdiction juvenile
17 prosecutions. The State's Attorney may file a written motion
18 for a proceeding to be designated as an extended juvenile
19 jurisdiction prior to commencement of trial. Notice of the
20 motion shall be in compliance with Section 5-530. When the
21 State's Attorney files a written motion that a proceeding be
22 designated an extended jurisdiction juvenile prosecution, the
23 court shall commence a hearing within 30 days of the filing of
24 the motion for designation, unless good cause is shown by the
25 prosecution or the minor as to why the hearing could not be
26 held within this time period. If the court finds good cause has

1 been demonstrated, then the hearing shall be held within 60
2 days of the filing of the motion. The hearings shall be open to
3 the public unless the judge finds that the hearing should be
4 closed for the protection of any party, victim or witness. If
5 the Juvenile Judge assigned to hear and determine a motion to
6 designate an extended jurisdiction juvenile prosecution
7 determines that there is probable cause to believe that the
8 allegations in the petition and motion are true the court
9 shall grant the motion for designation. Information used by
10 the court in its findings or stated in or offered in connection
11 with this Section may be by way of proffer based on reliable
12 information offered by the State or the minor. All evidence
13 shall be admissible if it is relevant and reliable regardless
14 of whether it would be admissible under the rules of evidence.

15 (3) Trial. A minor who is subject of an extended
16 jurisdiction juvenile prosecution has the right to trial by
17 jury. Any trial under this Section shall be open to the public.

18 (4) Sentencing. If an extended jurisdiction juvenile
19 prosecution under subsection (1) results in a guilty plea, a
20 verdict of guilty, or a finding of guilt, the court shall
21 impose the following:

22 (i) one or more juvenile sentences under Section
23 5-710; and

24 (ii) an adult criminal sentence in accordance with the
25 provisions of Section 5-4.5-105 of the Unified Code of
26 Corrections, the execution of which shall be stayed on the

1 condition that the offender not violate the provisions of
2 the juvenile sentence.

3 Any sentencing hearing under this Section shall be open to the
4 public.

5 (5) If, after an extended jurisdiction juvenile
6 prosecution trial, a minor is convicted of a lesser-included
7 offense or of an offense that the State's Attorney did not
8 designate as an extended jurisdiction juvenile prosecution,
9 the State's Attorney may file a written motion, within 10 days
10 of the finding of guilt, that the minor be sentenced as an
11 extended jurisdiction juvenile prosecution offender. The court
12 shall rule on this motion using the factors found in paragraph
13 (1)(b) of Section 5-805. If the court denies the State's
14 Attorney's motion for sentencing under the extended
15 jurisdiction juvenile prosecution provision, the court shall
16 proceed to sentence the minor under Section 5-710.

17 (6) When it appears that a minor convicted in an extended
18 jurisdiction juvenile prosecution under subsection (1) has
19 violated the conditions of the minor's ~~his or her~~ sentence, or
20 is alleged to have committed a new offense upon the filing of a
21 petition to revoke the stay, the court may, without notice,
22 issue a warrant for the arrest of the minor. After a hearing,
23 if the court finds by a preponderance of the evidence that the
24 minor committed a new offense, the court shall order execution
25 of the previously imposed adult criminal sentence. After a
26 hearing, if the court finds by a preponderance of the evidence

1 that the minor committed a violation of the minor's ~~his or her~~
2 sentence other than by a new offense, the court may order
3 execution of the previously imposed adult criminal sentence or
4 may continue the minor ~~him or her~~ on the existing juvenile
5 sentence with or without modifying or enlarging the
6 conditions. Upon revocation of the stay of the adult criminal
7 sentence and imposition of that sentence, the minor's extended
8 jurisdiction juvenile status shall be terminated. The on-going
9 jurisdiction over the minor's case shall be assumed by the
10 adult criminal court and juvenile court jurisdiction shall be
11 terminated and a report of the imposition of the adult
12 sentence shall be sent to the Illinois ~~Department of~~ State
13 Police.

14 (7) Upon successful completion of the juvenile sentence
15 the court shall vacate the adult criminal sentence.

16 (8) Nothing in this Section precludes the State from
17 filing a motion for transfer under Section 5-805.

18 (Source: P.A. 99-258, eff. 1-1-16.)

19 (705 ILCS 405/5-815)

20 Sec. 5-815. Habitual Juvenile Offender.

21 (a) Definition. Any minor having been twice adjudicated a
22 delinquent minor for offenses which, had the minor ~~he or she~~
23 been prosecuted as an adult, would have been felonies under
24 the laws of this State, and who is thereafter adjudicated a
25 delinquent minor for a third time shall be adjudged an

1 Habitual Juvenile Offender where:

2 1. the third adjudication is for an offense occurring
3 after adjudication on the second; and

4 2. the second adjudication was for an offense
5 occurring after adjudication on the first; and

6 3. the third offense occurred after January 1, 1980;
7 and

8 4. the third offense was based upon the commission of
9 or attempted commission of the following offenses: first
10 degree murder, second degree murder or involuntary
11 manslaughter; criminal sexual assault or aggravated
12 criminal sexual assault; aggravated or heinous battery
13 involving permanent disability or disfigurement or great
14 bodily harm to the victim; burglary of a home or other
15 residence intended for use as a temporary or permanent
16 dwelling place for human beings; home invasion; robbery or
17 armed robbery; or aggravated arson.

18 Nothing in this Section shall preclude the State's
19 Attorney from seeking to prosecute a minor as an adult as an
20 alternative to prosecution as a ~~an~~ habitual juvenile offender.

21 A continuance under supervision authorized by Section
22 5-615 of this Act shall not be permitted under this Section.

23 (b) Notice to minor. The State shall serve upon the minor
24 written notice of intention to prosecute under the provisions
25 of this Section within 5 judicial days of the filing of any
26 delinquency petition, adjudication upon which would mandate

1 the minor's disposition as a a ~~an~~ Habitual Juvenile Offender.

2 (c) Petition; service. A notice to seek adjudication as a a
3 ~~an~~ Habitual Juvenile Offender shall be filed only by the
4 State's Attorney.

5 The petition upon which such Habitual Juvenile Offender
6 notice is based shall contain the information and averments
7 required for all other delinquency petitions filed under this
8 Act and its service shall be according to the provisions of
9 this Act.

10 No prior adjudication shall be alleged in the petition.

11 (d) Trial. Trial on such petition shall be by jury unless
12 the minor demands, in open court and with advice of counsel, a
13 trial by the court without jury.

14 Except as otherwise provided herein, the provisions of
15 this Act concerning delinquency proceedings generally shall be
16 applicable to Habitual Juvenile Offender proceedings.

17 (e) Proof of prior adjudications. No evidence or other
18 disclosure of prior adjudications shall be presented to the
19 court or jury during any adjudicatory hearing provided for
20 under this Section unless otherwise permitted by the issues
21 properly raised in such hearing. In the event the minor who is
22 the subject of these proceedings elects to testify on the
23 minor's ~~his or her own~~ behalf, it shall be competent to
24 introduce evidence, for purposes of impeachment, that the
25 minor ~~he or she~~ has previously been adjudicated a delinquent
26 minor upon facts which, had the minor ~~he~~ been tried as an

1 adult, would have resulted in the minor's ~~his~~ conviction of a
2 felony or of any offense that involved dishonesty or false
3 statement. Introduction of such evidence shall be according to
4 the rules and procedures applicable to the impeachment of an
5 adult defendant by prior conviction.

6 After an admission of the facts in the petition or
7 adjudication of delinquency, the State's Attorney may file
8 with the court a verified written statement signed by the
9 State's Attorney concerning any prior adjudication of an
10 offense set forth in subsection (a) of this Section which
11 offense would have been a felony or of any offense that
12 involved dishonesty or false statement had the minor been
13 tried as an adult.

14 The court shall then cause the minor to be brought before
15 it; shall inform the minor ~~him or her~~ of the allegations of the
16 statement so filed, and of the minor's ~~his or her~~ right to a
17 hearing before the court on the issue of such prior
18 adjudication and of the minor's ~~his~~ right to counsel at such
19 hearing; and unless the minor admits such adjudication, the
20 court shall hear and determine such issue, and shall make a
21 written finding thereon.

22 A duly authenticated copy of the record of any such
23 alleged prior adjudication shall be prima facie evidence of
24 such prior adjudication or of any offense that involved
25 dishonesty or false statement.

26 Any claim that a previous adjudication offered by the

1 State's Attorney is not a former adjudication of an offense
2 which, had the minor been prosecuted as an adult, would have
3 resulted in the minor's ~~his~~ conviction of a felony or of any
4 offense that involved dishonesty or false statement, is waived
5 unless duly raised at the hearing on such adjudication, or
6 unless the State's Attorney's proof shows that such prior
7 adjudication was not based upon proof of what would have been a
8 felony.

9 (f) Disposition. If the court finds that the prerequisites
10 established in subsection (a) of this Section have been
11 proven, it shall adjudicate the minor a Habitual Juvenile
12 Offender and commit the minor ~~him or her~~ to the Department of
13 Juvenile Justice for a period of time as provided in
14 subsection (3) of Section 5-750, subject to the target release
15 date provisions as provided in subsection (c) of Section
16 3-2.5-85 of the Unified Code of Corrections.

17 (Source: P.A. 102-350, eff. 8-13-21.)

18 (705 ILCS 405/5-820)

19 Sec. 5-820. Violent Juvenile Offender.

20 (a) Definition. A minor having been previously adjudicated
21 a delinquent minor for an offense which, had the minor ~~he or~~
22 ~~she~~ been prosecuted as an adult, would have been a Class 2 or
23 greater felony involving the use or threat of physical force
24 or violence against an individual or a Class 2 or greater
25 felony for which an element of the offense is possession or use

1 of a firearm, and who is thereafter adjudicated a delinquent
2 minor for a second time for any of those offenses shall be
3 adjudicated a Violent Juvenile Offender if:

4 (1) The second adjudication is for an offense
5 occurring after adjudication on the first; and

6 (2) The second offense occurred on or after January 1,
7 1995.

8 (b) Notice to minor. The State shall serve upon the minor
9 written notice of intention to prosecute under the provisions
10 of this Section within 5 judicial days of the filing of a
11 delinquency petition, adjudication upon which would mandate
12 the minor's disposition as a Violent Juvenile Offender.

13 (c) Petition; service. A notice to seek adjudication as a
14 Violent Juvenile Offender shall be filed only by the State's
15 Attorney.

16 The petition upon which the Violent Juvenile Offender
17 notice is based shall contain the information and averments
18 required for all other delinquency petitions filed under this
19 Act and its service shall be according to the provisions of
20 this Act.

21 No prior adjudication shall be alleged in the petition.

22 (d) Trial. Trial on the petition shall be by jury unless
23 the minor demands, in open court and with advice of counsel, a
24 trial by the court without a jury.

25 Except as otherwise provided in this Section, the
26 provisions of this Act concerning delinquency proceedings

1 generally shall be applicable to Violent Juvenile Offender
2 proceedings.

3 (e) Proof of prior adjudications. No evidence or other
4 disclosure of prior adjudications shall be presented to the
5 court or jury during an adjudicatory hearing provided for
6 under this Section unless otherwise permitted by the issues
7 properly raised in that hearing. In the event the minor who is
8 the subject of these proceedings elects to testify on the
9 minor's ~~his or her own~~ behalf, it shall be competent to
10 introduce evidence, for purposes of impeachment, that the
11 minor ~~he or she~~ has previously been adjudicated a delinquent
12 minor upon facts which, had the minor been tried as an adult,
13 would have resulted in the minor's conviction of a felony or of
14 any offense that involved dishonesty or false statement.
15 Introduction of such evidence shall be according to the rules
16 and procedures applicable to the impeachment of an adult
17 defendant by prior conviction.

18 After an admission of the facts in the petition or
19 adjudication of delinquency, the State's Attorney may file
20 with the court a verified written statement signed by the
21 State's Attorney concerning any prior adjudication of an
22 offense set forth in subsection (a) of this Section that would
23 have been a felony or of any offense that involved dishonesty
24 or false statement had the minor been tried as an adult.

25 The court shall then cause the minor to be brought before
26 it; shall inform the minor of the allegations of the statement

1 so filed, of the minor's ~~his or her~~ right to a hearing before
2 the court on the issue of the prior adjudication and of the
3 minor's ~~his or her~~ right to counsel at the hearing; and unless
4 the minor admits the adjudication, the court shall hear and
5 determine the issue, and shall make a written finding of the
6 issue.

7 A duly authenticated copy of the record of any alleged
8 prior adjudication shall be prima facie evidence of the prior
9 adjudication or of any offense that involved dishonesty or
10 false statement.

11 Any claim that a previous adjudication offered by the
12 State's Attorney is not a former adjudication of an offense
13 which, had the minor been prosecuted as an adult, would have
14 resulted in the minor's ~~his or her~~ conviction of a Class 2 or
15 greater felony involving the use or threat of force or
16 violence, or a firearm, a felony or of any offense that
17 involved dishonesty or false statement is waived unless duly
18 raised at the hearing on the adjudication, or unless the
19 State's Attorney's proof shows that the prior adjudication was
20 not based upon proof of what would have been a felony.

21 (f) Disposition. If the court finds that the prerequisites
22 established in subsection (a) of this Section have been
23 proven, it shall adjudicate the minor a Violent Juvenile
24 Offender and commit the minor to the Department of Juvenile
25 Justice for a period of time as provided in subsection (3) of
26 Section 5-750, subject to the target release date provisions

1 in subsection (c) of Section 3-2.5-85 of the Unified Code of
2 Corrections.

3 (g) Nothing in this Section shall preclude the State's
4 Attorney from seeking to prosecute a minor as a habitual
5 juvenile offender or as an adult as an alternative to
6 prosecution as a Violent Juvenile Offender.

7 (h) A continuance under supervision authorized by Section
8 5-615 of this Act shall not be permitted under this Section.

9 (Source: P.A. 102-350, eff. 8-13-21.)

10 (705 ILCS 405/5-901)

11 Sec. 5-901. Court file.

12 (1) The Court file with respect to proceedings under this
13 Article shall consist of the petitions, pleadings, victim
14 impact statements, process, service of process, orders, writs
15 and docket entries reflecting hearings held and judgments and
16 decrees entered by the court. The court file shall be kept
17 separate from other records of the court.

18 (a) The file, including information identifying the
19 victim or alleged victim of any sex offense, shall be
20 disclosed only to the following parties when necessary for
21 discharge of their official duties:

22 (i) A judge of the circuit court and members of the
23 staff of the court designated by the judge;

24 (ii) Parties to the proceedings and their
25 attorneys;

1 (iii) Victims and their attorneys, except in cases
2 of multiple victims of sex offenses in which case the
3 information identifying the nonrequesting victims
4 shall be redacted;

5 (iv) Probation officers, law enforcement officers
6 or prosecutors or their staff;

7 (v) Adult and juvenile Prisoner Review Boards.

8 (b) The Court file redacted to remove any information
9 identifying the victim or alleged victim of any sex
10 offense shall be disclosed only to the following parties
11 when necessary for discharge of their official duties:

12 (i) Authorized military personnel;

13 (ii) Persons engaged in bona fide research, with
14 the permission of the judge of the juvenile court and
15 the chief executive of the agency that prepared the
16 particular recording: provided that publication of
17 such research results in no disclosure of a minor's
18 identity and protects the confidentiality of the
19 record;

20 (iii) The Secretary of State to whom the Clerk of
21 the Court shall report the disposition of all cases,
22 as required in Section 6-204 or Section 6-205.1 of the
23 Illinois Vehicle Code. However, information reported
24 relative to these offenses shall be privileged and
25 available only to the Secretary of State, courts, and
26 police officers;

1 (iv) The administrator of a bonafide substance
2 abuse student assistance program with the permission
3 of the presiding judge of the juvenile court;

4 (v) Any individual, or any public or private
5 agency or institution, having custody of the juvenile
6 under court order or providing educational, medical or
7 mental health services to the juvenile or a
8 court-approved advocate for the juvenile or any
9 placement provider or potential placement provider as
10 determined by the court.

11 (2) (Reserved).

12 (3) A minor who is the victim or alleged victim in a
13 juvenile proceeding shall be provided the same confidentiality
14 regarding disclosure of identity as the minor who is the
15 subject of record. Information identifying victims and alleged
16 victims of sex offenses, shall not be disclosed or open to
17 public inspection under any circumstances. Nothing in this
18 Section shall prohibit the victim or alleged victim of any sex
19 offense from voluntarily disclosing this ~~his or her~~ identity.

20 (4) Relevant information, reports and records shall be
21 made available to the Department of Juvenile Justice when a
22 juvenile offender has been placed in the custody of the
23 Department of Juvenile Justice.

24 (4.5) Relevant information, reports and records, held by
25 the Department of Juvenile Justice, including social
26 investigation, psychological and medical records, of any

1 juvenile offender, shall be made available to any county
2 juvenile detention facility upon written request by the
3 Superintendent or Director of that juvenile detention
4 facility, to the Chief Records Officer of the Department of
5 Juvenile Justice where the subject youth is or was in the
6 custody of the Department of Juvenile Justice and is
7 subsequently ordered to be held in a county juvenile detention
8 facility.

9 (5) Except as otherwise provided in this subsection (5),
10 juvenile court records shall not be made available to the
11 general public but may be inspected by representatives of
12 agencies, associations and news media or other properly
13 interested persons by general or special order of the court.
14 The State's Attorney, the minor, the minor's ~~his or her~~
15 parents, guardian and counsel shall at all times have the
16 right to examine court files and records.

17 (a) The court shall allow the general public to have
18 access to the name, address, and offense of a minor who is
19 adjudicated a delinquent minor under this Act under either
20 of the following circumstances:

21 (i) The adjudication of delinquency was based upon
22 the minor's commission of first degree murder, attempt
23 to commit first degree murder, aggravated criminal
24 sexual assault, or criminal sexual assault; or

25 (ii) The court has made a finding that the minor
26 was at least 13 years of age at the time the act was

1 committed and the adjudication of delinquency was
2 based upon the minor's commission of: (A) an act in
3 furtherance of the commission of a felony as a member
4 of or on behalf of a criminal street gang, (B) an act
5 involving the use of a firearm in the commission of a
6 felony, (C) an act that would be a Class X felony
7 offense under or the minor's second or subsequent
8 Class 2 or greater felony offense under the Cannabis
9 Control Act if committed by an adult, (D) an act that
10 would be a second or subsequent offense under Section
11 402 of the Illinois Controlled Substances Act if
12 committed by an adult, (E) an act that would be an
13 offense under Section 401 of the Illinois Controlled
14 Substances Act if committed by an adult, or (F) an act
15 that would be an offense under the Methamphetamine
16 Control and Community Protection Act if committed by
17 an adult.

18 (b) The court shall allow the general public to have
19 access to the name, address, and offense of a minor who is
20 at least 13 years of age at the time the offense is
21 committed and who is convicted, in criminal proceedings
22 permitted or required under Section 5-805, under either of
23 the following circumstances:

24 (i) The minor has been convicted of first degree
25 murder, attempt to commit first degree murder,
26 aggravated criminal sexual assault, or criminal sexual

1 assault,

2 (ii) The court has made a finding that the minor
3 was at least 13 years of age at the time the offense
4 was committed and the conviction was based upon the
5 minor's commission of: (A) an offense in furtherance
6 of the commission of a felony as a member of or on
7 behalf of a criminal street gang, (B) an offense
8 involving the use of a firearm in the commission of a
9 felony, (C) a Class X felony offense under the
10 Cannabis Control Act or a second or subsequent Class 2
11 or greater felony offense under the Cannabis Control
12 Act, (D) a second or subsequent offense under Section
13 402 of the Illinois Controlled Substances Act, (E) an
14 offense under Section 401 of the Illinois Controlled
15 Substances Act, or (F) an offense under the
16 Methamphetamine Control and Community Protection Act.

17 (6) Nothing in this Section shall be construed to limit
18 the use of an adjudication of delinquency as evidence in any
19 juvenile or criminal proceeding, where it would otherwise be
20 admissible under the rules of evidence, including, but not
21 limited to, use as impeachment evidence against any witness,
22 including the minor if the minor ~~he or she~~ testifies.

23 (7) Nothing in this Section shall affect the right of a
24 Civil Service Commission or appointing authority examining the
25 character and fitness of an applicant for a position as a law
26 enforcement officer to ascertain whether that applicant was

1 ever adjudicated to be a delinquent minor and, if so, to
2 examine the records or evidence which were made in proceedings
3 under this Act.

4 (8) Following any adjudication of delinquency for a crime
5 which would be a felony if committed by an adult, or following
6 any adjudication of delinquency for a violation of Section
7 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the State's Attorney shall ascertain
9 whether the minor respondent is enrolled in school and, if so,
10 shall provide a copy of the sentencing order to the principal
11 or chief administrative officer of the school. Access to such
12 juvenile records shall be limited to the principal or chief
13 administrative officer of the school and any school counselor
14 designated by the principal or chief administrative officer
15 ~~him or her~~.

16 (9) Nothing contained in this Act prevents the sharing or
17 disclosure of information or records relating or pertaining to
18 juveniles subject to the provisions of the Serious Habitual
19 Offender Comprehensive Action Program when that information is
20 used to assist in the early identification and treatment of
21 habitual juvenile offenders.

22 (10) (Reserved).

23 (11) The Clerk of the Circuit Court shall report to the
24 Illinois State Police, in the form and manner required by the
25 Illinois State Police, the final disposition of each minor who
26 has been arrested or taken into custody before the minor's ~~his~~

1 ~~or her~~ 18th birthday for those offenses required to be
2 reported under Section 5 of the Criminal Identification Act.
3 Information reported to the Illinois State Police Department
4 under this Section may be maintained with records that the
5 Illinois State Police Department files under Section 2.1 of
6 the Criminal Identification Act.

7 (12) Information or records may be disclosed to the
8 general public when the court is conducting hearings under
9 Section 5-805 or 5-810.

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

14 (Source: P.A. 102-197, eff. 7-30-21; 102-320, eff. 8-6-21;
15 102-538, eff. 8-20-21; revised 10-12-21.)

16 (705 ILCS 405/5-905)

17 Sec. 5-905. Law enforcement records.

18 (1) Law Enforcement Records. Inspection and copying of law
19 enforcement records maintained by law enforcement agencies
20 that relate to a minor who has been investigated, arrested, or
21 taken into custody before the minor's ~~his or her~~ 18th birthday
22 shall be restricted to the following and when necessary for
23 the discharge of their official duties:

24 (a) A judge of the circuit court and members of the
25 staff of the court designated by the judge;

1 (b) Law enforcement officers, probation officers or
2 prosecutors or their staff, or, when necessary for the
3 discharge of its official duties in connection with a
4 particular investigation of the conduct of a law
5 enforcement officer, an independent agency or its staff
6 created by ordinance and charged by a unit of local
7 government with the duty of investigating the conduct of
8 law enforcement officers;

9 (c) The minor, the minor's parents or legal guardian
10 and their attorneys, but only when the juvenile has been
11 charged with an offense;

12 (d) Adult and Juvenile Prisoner Review Boards;

13 (e) Authorized military personnel;

14 (f) Persons engaged in bona fide research, with the
15 permission of the judge of juvenile court and the chief
16 executive of the agency that prepared the particular
17 recording: provided that publication of such research
18 results in no disclosure of a minor's identity and
19 protects the confidentiality of the record;

20 (g) Individuals responsible for supervising or
21 providing temporary or permanent care and custody of
22 minors pursuant to orders of the juvenile court or
23 directives from officials of the Department of Children
24 and Family Services or the Department of Human Services
25 who certify in writing that the information will not be
26 disclosed to any other party except as provided under law

1 or order of court;

2 (h) The appropriate school official only if the agency
3 or officer believes that there is an imminent threat of
4 physical harm to students, school personnel, or others who
5 are present in the school or on school grounds.

6 (A) Inspection and copying shall be limited to
7 law enforcement records transmitted to the appropriate
8 school official or officials whom the school has
9 determined to have a legitimate educational or safety
10 interest by a local law enforcement agency under a
11 reciprocal reporting system established and maintained
12 between the school district and the local law
13 enforcement agency under Section 10-20.14 of the
14 School Code concerning a minor enrolled in a school
15 within the school district who has been arrested or
16 taken into custody for any of the following offenses:

17 (i) any violation of Article 24 of the
18 Criminal Code of 1961 or the Criminal Code of
19 2012;

20 (ii) a violation of the Illinois Controlled
21 Substances Act;

22 (iii) a violation of the Cannabis Control Act;

23 (iv) a forcible felony as defined in Section
24 2-8 of the Criminal Code of 1961 or the Criminal
25 Code of 2012;

26 (v) a violation of the Methamphetamine Control

1 and Community Protection Act;

2 (vi) a violation of Section 1-2 of the
3 Harassing and Obscene Communications Act;

4 (vii) a violation of the Hazing Act; or

5 (viii) a violation of Section 12-1, 12-2,
6 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
7 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
8 Criminal Code of 1961 or the Criminal Code of
9 2012.

10 The information derived from the law enforcement
11 records shall be kept separate from and shall not
12 become a part of the official school record of that
13 child and shall not be a public record. The
14 information shall be used solely by the appropriate
15 school official or officials whom the school has
16 determined to have a legitimate educational or safety
17 interest to aid in the proper rehabilitation of the
18 child and to protect the safety of students and
19 employees in the school. If the designated law
20 enforcement and school officials deem it to be in the
21 best interest of the minor, the student may be
22 referred to in-school or community based social
23 services if those services are available.
24 "Rehabilitation services" may include interventions by
25 school support personnel, evaluation for eligibility
26 for special education, referrals to community-based

1 agencies such as youth services, behavioral healthcare
2 service providers, drug and alcohol prevention or
3 treatment programs, and other interventions as deemed
4 appropriate for the student.

5 (B) Any information provided to appropriate school
6 officials whom the school has determined to have a
7 legitimate educational or safety interest by local law
8 enforcement officials about a minor who is the subject
9 of a current police investigation that is directly
10 related to school safety shall consist of oral
11 information only, and not written law enforcement
12 records, and shall be used solely by the appropriate
13 school official or officials to protect the safety of
14 students and employees in the school and aid in the
15 proper rehabilitation of the child. The information
16 derived orally from the local law enforcement
17 officials shall be kept separate from and shall not
18 become a part of the official school record of the
19 child and shall not be a public record. This
20 limitation on the use of information about a minor who
21 is the subject of a current police investigation shall
22 in no way limit the use of this information by
23 prosecutors in pursuing criminal charges arising out
24 of the information disclosed during a police
25 investigation of the minor. For purposes of this
26 paragraph, "investigation" means an official

1 systematic inquiry by a law enforcement agency into
2 actual or suspected criminal activity;

3 (i) The president of a park district. Inspection and
4 copying shall be limited to law enforcement records
5 transmitted to the president of the park district by the
6 Illinois State Police under Section 8-23 of the Park
7 District Code or Section 16a-5 of the Chicago Park
8 District Act concerning a person who is seeking employment
9 with that park district and who has been adjudicated a
10 juvenile delinquent for any of the offenses listed in
11 subsection (c) of Section 8-23 of the Park District Code
12 or subsection (c) of Section 16a-5 of the Chicago Park
13 District Act.

14 (2) Information identifying victims and alleged victims of
15 sex offenses, shall not be disclosed or open to public
16 inspection under any circumstances. Nothing in this Section
17 shall prohibit the victim or alleged victim of any sex offense
18 from voluntarily disclosing this ~~his or her~~ identity.

19 (2.5) If the minor is a victim of aggravated battery,
20 battery, attempted first degree murder, or other non-sexual
21 violent offense, the identity of the victim may be disclosed
22 to appropriate school officials, for the purpose of preventing
23 foreseeable future violence involving minors, by a local law
24 enforcement agency pursuant to an agreement established
25 between the school district and a local law enforcement agency
26 subject to the approval by the presiding judge of the juvenile

1 court.

2 (3) Relevant information, reports and records shall be
3 made available to the Department of Juvenile Justice when a
4 juvenile offender has been placed in the custody of the
5 Department of Juvenile Justice.

6 (4) Nothing in this Section shall prohibit the inspection
7 or disclosure to victims and witnesses of photographs
8 contained in the records of law enforcement agencies when the
9 inspection or disclosure is conducted in the presence of a law
10 enforcement officer for purposes of identification or
11 apprehension of any person in the course of any criminal
12 investigation or prosecution.

13 (5) The records of law enforcement officers, or of an
14 independent agency created by ordinance and charged by a unit
15 of local government with the duty of investigating the conduct
16 of law enforcement officers, concerning all minors under 18
17 years of age must be maintained separate from the records of
18 adults and may not be open to public inspection or their
19 contents disclosed to the public except by order of the court
20 or when the institution of criminal proceedings has been
21 permitted under Section 5-130 or 5-805 or required under
22 Section 5-130 or 5-805 or such a person has been convicted of a
23 crime and is the subject of pre-sentence investigation or when
24 provided by law.

25 (6) Except as otherwise provided in this subsection (6),
26 law enforcement officers, and personnel of an independent

1 agency created by ordinance and charged by a unit of local
2 government with the duty of investigating the conduct of law
3 enforcement officers, may not disclose the identity of any
4 minor in releasing information to the general public as to the
5 arrest, investigation or disposition of any case involving a
6 minor. Any victim or parent or legal guardian of a victim may
7 petition the court to disclose the name and address of the
8 minor and the minor's parents or legal guardian, or both. Upon
9 a finding by clear and convincing evidence that the disclosure
10 is either necessary for the victim to pursue a civil remedy
11 against the minor or the minor's parents or legal guardian, or
12 both, or to protect the victim's person or property from the
13 minor, then the court may order the disclosure of the
14 information to the victim or to the parent or legal guardian of
15 the victim only for the purpose of the victim pursuing a civil
16 remedy against the minor or the minor's parents or legal
17 guardian, or both, or to protect the victim's person or
18 property from the minor.

19 (7) Nothing contained in this Section shall prohibit law
20 enforcement agencies when acting in their official capacity
21 from communicating with each other by letter, memorandum,
22 teletype or intelligence alert bulletin or other means the
23 identity or other relevant information pertaining to a person
24 under 18 years of age. The information provided under this
25 subsection (7) shall remain confidential and shall not be
26 publicly disclosed, except as otherwise allowed by law.

1 (8) No person shall disclose information under this
2 Section except when acting in the person's ~~his or her~~ official
3 capacity and as provided by law or order of court.

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

8 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14;
9 99-298, eff. 8-6-15.)

10 (705 ILCS 405/5-910)

11 Sec. 5-910. Social, psychological and medical records.

12 (1) The social investigation, psychological and medical
13 records of any juvenile offender shall be privileged and shall
14 not be disclosed except:

15 (a) upon the written consent of the former juvenile
16 or, if the juvenile offender is under 18 years of age, by
17 the parent of the juvenile; or

18 (b) upon a determination by the head of the treatment
19 facility, who has the records, that disclosure to another
20 individual or facility providing treatment to the minor is
21 necessary for the further treatment of the juvenile
22 offender; or

23 (c) when any court having jurisdiction of the juvenile
24 offender orders disclosure; or

25 (d) when requested by any attorney representing the

1 juvenile offender, but the records shall not be further
2 disclosed by the attorney unless approved by the court or
3 presented as admissible evidence; or

4 (e) upon a written request of a juvenile probation
5 officer in regard to an alleged juvenile offender when the
6 information is needed for screening and assessment
7 purposes, for preparation of a social investigation or
8 presentence investigation, or placement decisions; but the
9 records shall not be further disclosed by the probation
10 officer unless approved by the court; or

11 (f) when the State's Attorney requests a copy of the
12 social investigation for use at a sentencing hearing or
13 upon written request of the State's Attorney for
14 psychological or medical records when the minor contests
15 the minor's ~~his~~ fitness for trial or relies on an
16 affirmative defense of intoxication or insanity.

17 (2) Willful violation of this Section is a Class C
18 misdemeanor.

19 (3) Nothing in this Section shall operate to extinguish
20 any rights of a juvenile offender established by
21 attorney-client, physician-patient, psychologist-client or
22 social worker-client privileges except as otherwise provided
23 by law.

24 (Source: P.A. 90-590, eff. 1-1-99.)

25 (705 ILCS 405/5-915)

1 Sec. 5-915. Expungement of juvenile law enforcement and
2 juvenile court records.

3 (0.05) (Blank).

4 (0.1) (a) The Illinois State Police and all law
5 enforcement agencies within the State shall automatically
6 expunge, on or before January 1 of each year, all juvenile law
7 enforcement records relating to events occurring before an
8 individual's 18th birthday if:

9 (1) one year or more has elapsed since the date of the
10 arrest or law enforcement interaction documented in the
11 records;

12 (2) no petition for delinquency or criminal charges
13 were filed with the clerk of the circuit court relating to
14 the arrest or law enforcement interaction documented in
15 the records; and

16 (3) 6 months have elapsed since the date of the arrest
17 without an additional subsequent arrest or filing of a
18 petition for delinquency or criminal charges whether
19 related or not to the arrest or law enforcement
20 interaction documented in the records.

21 (b) If the law enforcement agency is unable to verify
22 satisfaction of conditions (2) and (3) of this subsection
23 (0.1), records that satisfy condition (1) of this subsection
24 (0.1) shall be automatically expunged if the records relate to
25 an offense that if committed by an adult would not be an
26 offense classified as a Class 2 felony or higher, an offense

1 under Article 11 of the Criminal Code of 1961 or Criminal Code
2 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
3 12-15, or 12-16 of the Criminal Code of 1961.

4 (0.15) If a juvenile law enforcement record meets
5 paragraph (a) of subsection (0.1) of this Section, a juvenile
6 law enforcement record created:

7 (1) prior to January 1, 2018, but on or after January
8 1, 2013 shall be automatically expunged prior to January
9 1, 2020;

10 (2) prior to January 1, 2013, but on or after January
11 1, 2000, shall be automatically expunged prior to January
12 1, 2023; and

13 (3) prior to January 1, 2000 shall not be subject to
14 the automatic expungement provisions of this Act.

15 Nothing in this subsection (0.15) shall be construed to
16 restrict or modify an individual's right to have the person's
17 ~~his or her~~ juvenile law enforcement records expunged except as
18 otherwise may be provided in this Act.

19 (0.2) (a) Upon dismissal of a petition alleging
20 delinquency or upon a finding of not delinquent, the
21 successful termination of an order of supervision, or the
22 successful termination of an adjudication for an offense which
23 would be a Class B misdemeanor, Class C misdemeanor, or a petty
24 or business offense if committed by an adult, the court shall
25 automatically order the expungement of the juvenile court
26 records and juvenile law enforcement records. The clerk shall

1 deliver a certified copy of the expungement order to the
2 Illinois State Police and the arresting agency. Upon request,
3 the State's Attorney shall furnish the name of the arresting
4 agency. The expungement shall be completed within 60 business
5 days after the receipt of the expungement order.

6 (b) If the chief law enforcement officer of the agency, or
7 the chief law enforcement officer's ~~his or her~~ designee,
8 certifies in writing that certain information is needed for a
9 pending investigation involving the commission of a felony,
10 that information, and information identifying the juvenile,
11 may be retained until the statute of limitations for the
12 felony has run. If the chief law enforcement officer of the
13 agency, or the chief law enforcement officer's ~~his or her~~
14 designee, certifies in writing that certain information is
15 needed with respect to an internal investigation of any law
16 enforcement office, that information and information
17 identifying the juvenile may be retained within an
18 intelligence file until the investigation is terminated or the
19 disciplinary action, including appeals, has been completed,
20 whichever is later. Retention of a portion of a juvenile's law
21 enforcement record does not disqualify the remainder of a
22 juvenile's ~~his or her~~ record from immediate automatic
23 expungement.

24 (0.3) (a) Upon an adjudication of delinquency based on any
25 offense except a disqualified offense, the juvenile court
26 shall automatically order the expungement of the juvenile

1 court and law enforcement records 2 years after the juvenile's
2 case was closed if no delinquency or criminal proceeding is
3 pending and the person has had no subsequent delinquency
4 adjudication or criminal conviction. The clerk shall deliver a
5 certified copy of the expungement order to the Illinois State
6 Police and the arresting agency. Upon request, the State's
7 Attorney shall furnish the name of the arresting agency. The
8 expungement shall be completed within 60 business days after
9 the receipt of the expungement order. In this subsection
10 (0.3), "disqualified offense" means any of the following
11 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
12 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
13 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
14 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
15 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
16 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
17 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
18 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
19 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
20 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
21 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
22 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
23 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
24 paragraph (1) of subsection (a) of Section 12-9, subparagraph
25 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
26 paragraph (1) of subsection (a) of Section 25-1, or subsection

1 (a-7) of Section 31-1 of the Criminal Code of 2012.

2 (b) If the chief law enforcement officer of the agency, or
3 the chief law enforcement officer's ~~his or her~~ designee,
4 certifies in writing that certain information is needed for a
5 pending investigation involving the commission of a felony,
6 that information, and information identifying the juvenile,
7 may be retained in an intelligence file until the
8 investigation is terminated or for one additional year,
9 whichever is sooner. Retention of a portion of a juvenile's
10 juvenile law enforcement record does not disqualify the
11 remainder of a juvenile's ~~his or her~~ record from immediate
12 automatic expungement.

13 (0.4) Automatic expungement for the purposes of this
14 Section shall not require law enforcement agencies to
15 obliterate or otherwise destroy juvenile law enforcement
16 records that would otherwise need to be automatically expunged
17 under this Act, except after 2 years following the subject
18 arrest for purposes of use in civil litigation against a
19 governmental entity or its law enforcement agency or personnel
20 which created, maintained, or used the records. However, these
21 juvenile law enforcement records shall be considered expunged
22 for all other purposes during this period and the offense,
23 which the records or files concern, shall be treated as if it
24 never occurred as required under Section 5-923.

25 (0.5) Subsection (0.1) or (0.2) of this Section does not
26 apply to violations of traffic, boating, fish and game laws,

1 or county or municipal ordinances.

2 (0.6) Juvenile law enforcement records of a plaintiff who
3 has filed civil litigation against the governmental entity or
4 its law enforcement agency or personnel that created,
5 maintained, or used the records, or juvenile law enforcement
6 records that contain information related to the allegations
7 set forth in the civil litigation may not be expunged until
8 after 2 years have elapsed after the conclusion of the
9 lawsuit, including any appeal.

10 (0.7) Officer-worn body camera recordings shall not be
11 automatically expunged except as otherwise authorized by the
12 Law Enforcement Officer-Worn Body Camera Act.

13 (1) Whenever a person has been arrested, charged, or
14 adjudicated delinquent for an incident occurring before a
15 person's ~~his or her~~ 18th birthday that if committed by an adult
16 would be an offense, and that person's juvenile law
17 enforcement and juvenile court records are not eligible for
18 automatic expungement under subsection (0.1), (0.2), or (0.3),
19 the person may petition the court at any time for expungement
20 of juvenile law enforcement records and juvenile court records
21 relating to the incident and, upon termination of all juvenile
22 court proceedings relating to that incident, the court shall
23 order the expungement of all records in the possession of the
24 Illinois State Police, the clerk of the circuit court, and law
25 enforcement agencies relating to the incident, but only in any
26 of the following circumstances:

1 (a) the minor was arrested and no petition for
2 delinquency was filed with the clerk of the circuit court;

3 (a-5) the minor was charged with an offense and the
4 petition or petitions were dismissed without a finding of
5 delinquency;

6 (b) the minor was charged with an offense and was
7 found not delinquent of that offense;

8 (c) the minor was placed under supervision under
9 Section 5-615, and the order of supervision has since been
10 successfully terminated; or

11 (d) the minor was adjudicated for an offense which
12 would be a Class B misdemeanor, Class C misdemeanor, or a
13 petty or business offense if committed by an adult.

14 (1.5) The Illinois State Police shall allow a person to
15 use the Access and Review process, established in the Illinois
16 State Police, for verifying that the person's ~~his or her~~
17 juvenile law enforcement records relating to incidents
18 occurring before the person's ~~his or her~~ 18th birthday
19 eligible under this Act have been expunged.

20 (1.6) (Blank).

21 (1.7) (Blank).

22 (1.8) (Blank).

23 (2) Any person whose delinquency adjudications are not
24 eligible for automatic expungement under subsection (0.3) of
25 this Section may petition the court to expunge all juvenile
26 law enforcement records relating to any incidents occurring

1 before the person's ~~his or her~~ 18th birthday which did not
2 result in proceedings in criminal court and all juvenile court
3 records with respect to any adjudications except those based
4 upon first degree murder or an offense under Article 11 of the
5 Criminal Code of 2012 if the person is required to register
6 under the Sex Offender Registration Act at the time the person
7 ~~he or she~~ petitions the court for expungement; provided that 2
8 years have elapsed since all juvenile court proceedings
9 relating to the person ~~him or her~~ have been terminated and the
10 person's ~~his or her~~ commitment to the Department of Juvenile
11 Justice under this Act has been terminated.

12 (2.5) If a minor is arrested and no petition for
13 delinquency is filed with the clerk of the circuit court at the
14 time the minor is released from custody, the youth officer, if
15 applicable, or other designated person from the arresting
16 agency, shall notify verbally and in writing to the minor or
17 the minor's parents or guardians that the minor shall have an
18 arrest record and shall provide the minor and the minor's
19 parents or guardians with an expungement information packet,
20 information regarding this State's expungement laws including
21 a petition to expunge juvenile law enforcement and juvenile
22 court records obtained from the clerk of the circuit court.

23 (2.6) If a minor is referred to court, then, at the time of
24 sentencing, dismissal of the case, or successful completion of
25 supervision, the judge shall inform the delinquent minor of
26 the minor's ~~his or her~~ rights regarding expungement and the

1 clerk of the circuit court shall provide an expungement
2 information packet to the minor, written in plain language,
3 including information regarding this State's expungement laws
4 and a petition for expungement, a sample of a completed
5 petition, expungement instructions that shall include
6 information informing the minor that (i) once the case is
7 expunged, it shall be treated as if it never occurred, (ii) the
8 minor ~~he or she~~ may apply to have petition fees waived, (iii)
9 once the minor ~~he or she~~ obtains an expungement, the minor ~~he~~
10 ~~or she~~ may not be required to disclose that the minor ~~he or she~~
11 had a juvenile law enforcement or juvenile court record, and
12 (iv) if petitioning the minor ~~he or she~~ may file the petition
13 on the minor's ~~his or her~~ own or with the assistance of an
14 attorney. The failure of the judge to inform the delinquent
15 minor of the minor's ~~his or her~~ right to petition for
16 expungement as provided by law does not create a substantive
17 right, nor is that failure grounds for: (i) a reversal of an
18 adjudication of delinquency; (ii) a new trial; or (iii) an
19 appeal.

20 (2.7) (Blank).

21 (2.8) (Blank).

22 (3) (Blank).

23 (3.1) (Blank).

24 (3.2) (Blank).

25 (3.3) (Blank).

26 (4) (Blank).

1 (5) (Blank).

2 (5.5) Whether or not expunged, records eligible for
3 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
4 (0.3) (a) may be treated as expunged by the individual subject
5 to the records.

6 (6) (Blank).

7 (6.5) The Illinois State Police or any employee of the
8 Illinois State Police shall be immune from civil or criminal
9 liability for failure to expunge any records of arrest that
10 are subject to expungement under this Section because of
11 inability to verify a record. Nothing in this Section shall
12 create Illinois State Police liability or responsibility for
13 the expungement of juvenile law enforcement records it does
14 not possess.

15 (7) (Blank).

16 (7.5) (Blank).

17 (8) The expungement of juvenile law enforcement or
18 juvenile court records under subsection (0.1), (0.2), or (0.3)
19 of this Section shall be funded by appropriation by the
20 General Assembly for that purpose.

21 (9) (Blank).

22 (10) (Blank).

23 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

24 (705 ILCS 405/5-920)

25 Sec. 5-920. Petitions for expungement.

1 (a) The petition for expungement for subsections (1) and
2 (2) of Section 5-915 may include multiple offenses on the same
3 petition and shall be substantially in the following form:

4 IN THE CIRCUIT COURT OF, ILLINOIS
5 JUDICIAL CIRCUIT

6 IN THE INTEREST OF) NO.
7)
8)
9)
10 (Name of Petitioner)

11 PETITION TO EXPUNGE JUVENILE RECORDS

12 (Section 5-915 of the Juvenile Court Act of 1987 (Subsections
13 1 and 2))

14 Now comes, petitioner, and respectfully requests
15 that this Honorable Court enter an order expunging all
16 juvenile law enforcement and court records of petitioner and
17 in support thereof states that: Petitioner was arrested on
18 by the Police Department for the offense or
19 offenses of, and:

20 (Check All That Apply:)

21 () a. no petition or petitions were filed with the Clerk of
22 the Circuit Court.

23 () b. was charged with and was found not delinquent of
24 the offense or offenses.

1 () c. a petition or petitions were filed and the petition or
2 petitions were dismissed without a finding of delinquency on
3

4 () d. on placed under supervision pursuant to Section
5 5-615 of the Juvenile Court Act of 1987 and such order of
6 supervision successfully terminated on

7 () e. was adjudicated for the offense or offenses, which would
8 have been a Class B misdemeanor, a Class C misdemeanor, or a
9 petty offense or business offense if committed by an adult.

10 () f. was adjudicated for a Class A misdemeanor or felony,
11 except first degree murder or an offense under Article 11 of
12 the Criminal Code of 2012 if the person is required to register
13 under the Sex Offender Registration Act, and 2 years have
14 passed since the case was closed.

15 Petitioner has has not been arrested on charges in
16 this or any county other than the charges listed above. If
17 petitioner has been arrested on additional charges, please
18 list the charges below:

19 Charge(s):

20 Arresting Agency or Agencies:

21 Disposition/Result: (choose from a. through f., above):

22 WHEREFORE, the petitioner respectfully requests this Honorable
23 Court to (1) order all law enforcement agencies to expunge all
24 records of petitioner to this incident or incidents, and (2)
25 to order the Clerk of the Court to expunge all records
26 concerning the petitioner regarding this incident or

1 incidents.

2

3 Petitioner (Signature)

4

5 Petitioner's Street Address

6

7 City, State, Zip Code

8

9 Petitioner's Telephone Number

10 Pursuant to the penalties of perjury under the Code of Civil
11 Procedure, 735 ILCS 5/1-109, I hereby certify that the
12 statements in this petition are true and correct, or on
13 information and belief I believe the same to be true.

14

15 Petitioner (Signature)

16 (b) The chief judge of the circuit in which an arrest was
17 made or a charge was brought or any judge of that circuit
18 designated by the chief judge may, upon verified petition of a
19 person who is the subject of an arrest or a juvenile court
20 proceeding under subsection (1) or (2) of Section 5-915, order

1 the juvenile law enforcement records or official court file,
2 or both, to be expunged from the official records of the
3 arresting authority, the clerk of the circuit court and the
4 Illinois ~~Department of~~ State Police. The person whose juvenile
5 law enforcement record, juvenile court record, or both, are to
6 be expunged shall petition the court using the appropriate
7 form containing the person's ~~his or her~~ current address and
8 shall promptly notify the clerk of the circuit court of any
9 change of address. Notice of the petition shall be served upon
10 the State's Attorney or prosecutor charged with the duty of
11 prosecuting the offense, the Illinois ~~Department of~~ State
12 Police, and the arresting agency or agencies by the clerk of
13 the circuit court. If an objection is filed within 45 days of
14 the notice of the petition, the clerk of the circuit court
15 shall set a date for hearing after the 45-day objection
16 period. At the hearing, the court shall hear evidence on
17 whether the expungement should or should not be granted.
18 Unless the State's Attorney or prosecutor, the Illinois
19 ~~Department of~~ State Police, or an arresting agency objects to
20 the expungement within 45 days of the notice, the court may
21 enter an order granting expungement. The clerk shall forward a
22 certified copy of the order to the Illinois ~~Department of~~
23 State Police and deliver a certified copy of the order to the
24 arresting agency.

25 (c) The Notice of Expungement shall be in substantially
26 the following form:

1 IN THE CIRCUIT COURT OF, ILLINOIS

2 JUDICIAL CIRCUIT

3 IN THE INTEREST OF) NO.

4)

5)

6)

7 (Name of Petitioner)

8 NOTICE

9 TO: State's Attorney

10 TO: Arresting Agency

11
12

13

14
15

16

17 TO: Illinois State Police

18
19

20
21

22 ATTENTION: Expungement

23 You are hereby notified that on, at, in courtroom

24 ..., located at ..., before the Honorable ..., Judge, or any

1 judge sitting in the Judge's ~~his/her~~ stead, I shall then and
2 there present a Petition to Expunge Juvenile Records in the
3 above-entitled matter, at which time and place you may appear.

4

5 Petitioner's Signature

6

7 Petitioner's Street Address

8

9 City, State, Zip Code

10

11 Petitioner's Telephone Number

12 PROOF OF SERVICE

13 On the day of, 20..., I on oath state that I
14 served this notice and true and correct copies of the
15 above-checked documents by:

16 (Check One:)

17 delivering copies personally to each entity to whom they are
18 directed;

19 or

20 by mailing copies to each entity to whom they are directed by
21 depositing the same in the U.S. Mail, proper postage fully
22 prepaid, before the hour of 5:00 p.m., at the United States
23 Postal Depository located at

24

25

26 Signature

1 Clerk of the Circuit Court or Deputy Clerk

2 Printed Name of Delinquent Minor/Petitioner:

3 Address:

4 Telephone Number:

5 (d) The Order of Expungement shall be in substantially the
6 following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS

8 JUDICIAL CIRCUIT

9 IN THE INTEREST OF) NO.

10)

11)

12)

13 (Name of Petitioner)

14 DOB

15 Arresting Agency/Agencies

16 ORDER OF EXPUNGEMENT

17 (Section 5-920 of the Juvenile Court Act of 1987 (Subsection

18 c))

19 This matter having been heard on the petitioner's motion and
20 the court being fully advised in the premises does find that
21 the petitioner is indigent or has presented reasonable cause
22 to waive all costs in this matter, IT IS HEREBY ORDERED that:

23 () 1. Clerk of Court and Illinois ~~Department of~~ State
24 Police costs are hereby waived in this matter.

1 (Name of Petitioner)

2 NOTICE OF OBJECTION

3 TO: (Attorney, Public Defender, Minor)

4

5

6 TO: (Illinois State Police)

7

8

9 TO: (Clerk of the Court)

10

11

12 TO: (Judge)

13

14

15 TO: (Arresting Agency/Agencies)

16

17

18 ATTENTION: You are hereby notified that an objection has been
19 filed by the following entity regarding the above-named
20 minor's petition for expungement of juvenile records:

21 () State's Attorney's Office;

22 () Prosecutor (other than State's Attorney's Office) charged
23 with the duty of prosecuting the offense sought to be
24 expunged;

25 () ~~Department of~~ Illinois State Police; or

1 () Arresting Agency or Agencies.

2 The agency checked above respectfully requests that this case
3 be continued and set for hearing on whether the expungement
4 should or should not be granted.

5 DATED:

6 Name:

7 Attorney For:

8 Address:

9 City/State/Zip:

10 Telephone:

11 Attorney No.:

12 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

13 This matter has been set for hearing on the foregoing
14 objection, on in room, located at, before
15 the Honorable, Judge, or any judge sitting in the
16 Judge's ~~his/her~~ stead. (Only one hearing shall be set,
17 regardless of the number of Notices of Objection received on
18 the same case).

19 A copy of this completed Notice of Objection containing the
20 court date, time, and location, has been sent via regular U.S.
21 Mail to the following entities. (If more than one Notice of
22 Objection is received on the same case, each one must be
23 completed with the court date, time and location and mailed to
24 the following entities):

25 () Attorney, Public Defender or Minor;

26 () State's Attorney's Office;

1 () Prosecutor (other than State's Attorney's Office) charged
2 with the duty of prosecuting the offense sought to be
3 expunged;

4 () ~~Department of~~ Illinois State Police; and

5 () Arresting agency or agencies.

6 Date:

7 Initials of Clerk completing this section:

8 (Source: P.A. 100-1162, eff. 12-20-18.)

9 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

10 Sec. 6-1. Probation departments; functions and duties.

11 (1) The chief judge of each circuit shall make provision
12 for probation services for each county in the chief judge's
13 ~~his or her~~ circuit. The appointment of officers to probation
14 or court services departments and the administration of such
15 departments shall be governed by the provisions of the
16 Probation and Probation Officers Act.

17 (2) Every county or every group of counties constituting a
18 probation district shall maintain a court services or
19 probation department subject to the provisions of the
20 Probation and Probation Officers Act. For the purposes of this
21 Act, such a court services or probation department has, but is
22 not limited to, the following powers and duties:

23 (a) When authorized or directed by the court, to
24 receive, investigate and evaluate complaints indicating
25 dependency, requirement of authoritative intervention,

1 addiction or delinquency within the meaning of Sections
2 2-3, 2-4, 3-3, 4-3, or 5-105, respectively; to determine
3 or assist the complainant in determining whether a
4 petition should be filed under Sections 2-13, 3-15, 4-12,
5 or 5-520 or whether referral should be made to an agency,
6 association or other person or whether some other action
7 is advisable; and to see that the indicating filing,
8 referral or other action is accomplished. However, no such
9 investigation, evaluation or supervision by such court
10 services or probation department is to occur with regard
11 to complaints indicating only that a minor may be a
12 chronic or habitual truant.

13 (a-1) To confer in a preliminary conference, with a
14 view to adjusting suitable cases without the filing of a
15 petition as provided for in Section 2-12 or Section 5-305.

16 (b) When a petition is filed under Section 2-13, 3-15,
17 4-15, or 5-520, to make pre-adjudicatory investigations
18 and formulate recommendations to the court when the court
19 has authorized or directed the department to do so.

20 (b-1) When authorized or directed by the court, and
21 with the consent of the party respondents and the State's
22 Attorney, to confer in a pre-adjudicatory conference, with
23 a view to adjusting suitable cases as provided for in
24 Section 2-12 or Section 5-305.

25 (c) To counsel and, by order of the court, to
26 supervise minors referred to the court; to conduct

1 indicated programs of casework, including referrals for
2 medical and mental health service, organized recreation
3 and job placement for wards of the court and, when
4 appropriate, for members of the family of a ward; to act as
5 liaison officer between the court and agencies or
6 associations to which minors are referred or through which
7 they are placed; when so appointed, to serve as guardian
8 of the person of a ward of the court; to provide probation
9 supervision and protective supervision ordered by the
10 court; and to provide like services to wards and
11 probationers of courts in other counties or jurisdictions
12 who have lawfully become local residents.

13 (d) To arrange for placements pursuant to court order.

14 (e) To assume administrative responsibility for such
15 detention, shelter care and other institutions for minors
16 as the court may operate.

17 (f) To maintain an adequate system of case records,
18 statistical records, and financial records related to
19 juvenile detention and shelter care and to make reports to
20 the court and other authorized persons, and to the Supreme
21 Court pursuant to the Probation and Probation Officers
22 Act.

23 (g) To perform such other services as may be
24 appropriate to effectuate the purposes of this Act or as
25 may be directed by any order of court made under this Act.

26 (3) The court services or probation department in any

1 probation district or county having less than 1,000,000
2 inhabitants, or any personnel of the department, may be
3 required by the circuit court to render services to the court
4 in other matters as well as proceedings under this Act.

5 (4) In any county or probation district, a probation
6 department may be established as a separate division of a more
7 inclusive department of court services, with any appropriate
8 divisional designation. The organization of any such
9 department of court services and the appointment of officers
10 and other personnel must comply with the Probation and
11 Probation Officers Act.

12 (5) For purposes of this Act only, probation officers
13 appointed to probation or court services departments shall be
14 considered peace officers. In the exercise of their official
15 duties, probation officers, sheriffs, and police officers may,
16 anywhere within the State, arrest any minor who is in
17 violation of any of the conditions of the minor's ~~his or her~~
18 probation, continuance under supervision, or informal
19 supervision, and it shall be the duty of the officer making the
20 arrest to take the minor before the court having jurisdiction
21 over the minor for further action.

22 (Source: P.A. 101-81, eff. 7-12-19.)

23 (705 ILCS 405/6-3) (from Ch. 37, par. 806-3)

24 Sec. 6-3. Court Services Departments; counties over
25 1,000,000.

1 (1) Any county having more than 1,000,000 inhabitants
2 shall maintain a Court Services Department, which shall be
3 under the authority and supervision of the chief judge of the
4 circuit or of some other judge designated by the chief judge
5 ~~him~~.

6 (2) The functions and duties of probation personnel of the
7 Court Services Department include, but are not limited to,
8 those described in Section 6-1. Neither the Court Services
9 Department nor any of its personnel must supervise the
10 probation of any person over 18 years of age convicted under
11 the criminal laws, except that the court may order the
12 Department to supervise the probation of an adult convicted of
13 the crime of contributing to the dependency and neglect of
14 children or of contributing to the delinquency of children.

15 (3) The Court Services Department in any such county shall
16 provide psychiatric clinical services relating to the purposes
17 of this Act when so requested, authorized or ordered by the
18 court. The Department may be required by the circuit court to
19 render psychiatric clinical services to the court in other
20 matters as well as in proceedings under this Act.

21 (Source: P.A. 85-601.)

22 (705 ILCS 405/6-4) (from Ch. 37, par. 806-4)

23 Sec. 6-4. Psychiatric Departments; counties under
24 1,000,000. (1) Any county having less than 1,000,000
25 inhabitants or any group of counties constituting a probation

1 district may maintain a Psychiatric Department to render
2 clinical services requested, authorized or ordered by the
3 court. The Psychiatric Department may be required by the
4 circuit court to render services to the court in other matters
5 as well as in proceedings under this Act. In any county or
6 probation district the Psychiatric Department may be
7 established as a separate division of a more inclusive
8 psychiatric department or of a comprehensive department of
9 court services, with any appropriate divisional designation.

10 (2) The chief judge of the circuit court shall appoint a
11 professionally qualified person as Director of the Psychiatric
12 Department established for any county or probation district in
13 the circuit, to serve at the chief judge's ~~his~~ pleasure, and
14 may authorize the Director to appoint such other personnel of
15 the Department as the chief judge from time to time may
16 determine are needed, to serve at the pleasure of the
17 Director. The Director shall have general charge of the
18 Department under the supervision of the chief judge or of some
19 other judge designated by the chief judge for that purpose.

20 (3) Appointments to any professional position in the
21 Psychiatric Department must be made in accordance with
22 standards prescribed by the chief judge in consultation with
23 an advisory committee of the chief judge's ~~his~~ selection,
24 composed of persons of recognized and outstanding ability in
25 the practice of psychiatry or psychology or in the teaching or
26 practice of social service and public welfare work.

1 (Source: P.A. 85-601.)

2 (705 ILCS 405/6-7) (from Ch. 37, par. 806-7)

3 Sec. 6-7. Financial responsibility of counties. (1) Each
4 county board shall provide in its annual appropriation
5 ordinance or annual budget, as the case may be, a reasonable
6 sum for payments for the care and support of minors, and for
7 payments for court appointed counsel in accordance with orders
8 entered under this Act in an amount which in the judgment of
9 the county board may be needed for that purpose. Such
10 appropriation or budget item constitutes a separate fund into
11 which shall be paid not only the moneys appropriated by the
12 county board, but also all reimbursements by parents and other
13 persons and by the State.

14 (2) No county may be charged with the care and support of
15 any minor who is not a resident of the county unless the
16 minor's ~~his~~ parents or guardian are unknown or the minor's
17 place of residence cannot be determined.

18 (3) No order upon the county for care and support of a
19 minor may be entered until the president or chairman of the
20 county board has had due notice that such a proceeding is
21 pending.

22 (Source: P.A. 85-1235; 85-1443; 86-820.)

23 (705 ILCS 405/6-8) (from Ch. 37, par. 806-8)

24 Sec. 6-8. Orders on county for care and support.

1 (1) Whenever a minor has been ordered held in detention or
2 placed in shelter care under Sections 2-7, 3-9, 4-6 or 5-410,
3 the court may order the county to make monthly payments from
4 the fund established pursuant to Section 6-7 in an amount
5 necessary for the minor's ~~his~~ care and support, but not for a
6 period in excess of 90 days.

7 (2) Whenever a ward of the court is placed under Section
8 2-27, 3-28, 4-25 or 5-740, the court may order the county to
9 make monthly payments from the fund established pursuant to
10 Section 6-7 in an amount necessary for the minor's ~~his~~ care and
11 support to the guardian of the person or legal custodian
12 appointed under this Act, or to the agency which such guardian
13 or custodian represents.

14 (3) The court may, when the health or condition of any
15 minor subject to this Act requires it, order the minor placed
16 in a public hospital, institution or agency for treatment or
17 special care, or in a private hospital, institution or agency
18 which will receive the minor ~~him~~ without charge to the public
19 authorities. If such treatment or care cannot be procured
20 without charge, the court may order the county to pay an amount
21 for such treatment from the fund established pursuant to
22 Section 6-7. If the placement is to a hospital or institution,
23 the amount to be paid shall not exceed that paid by the county
24 department of public aid for the care of minors under like
25 conditions, or, if an agency, not more than that established
26 by the Department of Children and Family Services for the care

1 of minors under like conditions. On like order, the county
2 shall pay, from the fund established pursuant to Section 6-7,
3 medical, surgical, dental, optical and other fees and expenses
4 which the court finds are not within the usual scope of charges
5 for the care and support of any minor provided for under this
6 Section.

7 (Source: P.A. 90-590, eff. 1-1-99.)

8 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

9 Sec. 6-9. Enforcement of liability of parents and others.

10 (1) If parentage is at issue in any proceeding under this
11 Act, other than cases involving those exceptions to the
12 definition of parent set out in item (11) in Section 1-3, then
13 the Illinois Parentage Act of 2015 shall apply and the court
14 shall enter orders consistent with that Act. If it appears at
15 any hearing that a parent or any other person named in the
16 petition, liable under the law for the support of the minor, is
17 able to contribute to the minor's ~~his or her~~ support, the court
18 shall enter an order requiring that parent or other person to
19 pay the clerk of the court, or to the guardian or custodian
20 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
21 reasonable sum from time to time for the care, support and
22 necessary special care or treatment, of the minor. If the
23 court determines at any hearing that a parent or any other
24 person named in the petition, liable under the law for the
25 support of the minor, is able to contribute to help defray the

1 costs associated with the minor's detention in a county or
2 regional detention center, the court shall enter an order
3 requiring that parent or other person to pay the clerk of the
4 court a reasonable sum for the care and support of the minor.
5 The court may require reasonable security for the payments.
6 Upon failure to pay, the court may enforce obedience to the
7 order by a proceeding as for contempt of court.

8 If it appears that the person liable for the support of the
9 minor is able to contribute to legal fees for representation
10 of the minor, the court shall enter an order requiring that
11 person to pay a reasonable sum for the representation, to the
12 attorney providing the representation or to the clerk of the
13 court for deposit in the appropriate account or fund. The sum
14 may be paid as the court directs, and the payment thereof
15 secured and enforced as provided in this Section for support.

16 If it appears at the detention or shelter care hearing of a
17 minor before the court under Section 5-501 that a parent or any
18 other person liable for support of the minor is able to
19 contribute to the minor's ~~his or her~~ support, that parent or
20 other person shall be required to pay a fee for room and board
21 at a rate not to exceed \$10 per day established, with the
22 concurrence of the chief judge of the judicial circuit, by the
23 county board of the county in which the minor is detained
24 unless the court determines that it is in the best interest and
25 welfare of the minor to waive the fee. The concurrence of the
26 chief judge shall be in the form of an administrative order.

1 Each week, on a day designated by the clerk of the circuit
2 court, that parent or other person shall pay the clerk for the
3 minor's room and board. All fees for room and board collected
4 by the circuit court clerk shall be disbursed into the
5 separate county fund under Section 6-7.

6 Upon application, the court shall waive liability for
7 support or legal fees under this Section if the parent or other
8 person establishes that the parent or other person ~~he or she~~ is
9 indigent and unable to pay the incurred liability, and the
10 court may reduce or waive liability if the parent or other
11 person establishes circumstances showing that full payment of
12 support or legal fees would result in financial hardship to
13 the person or the person's ~~his or her~~ family.

14 (2) When a person so ordered to pay for the care and
15 support of a minor is employed for wages, salary or
16 commission, the court may order the person ~~him~~ to make the
17 support payments for which the person ~~he~~ is liable under this
18 Act out of the person's ~~his~~ wages, salary or commission and to
19 assign so much thereof as will pay the support. The court may
20 also order the person ~~him~~ to make discovery to the court as to
21 the person's ~~his~~ place of employment and the amounts earned by
22 the person ~~him~~. Upon the person's ~~his~~ failure to obey the
23 orders of court the person ~~he~~ may be punished as for contempt
24 of court.

25 (3) If the minor is a recipient of public aid under the
26 Illinois Public Aid Code, the court shall order that payments

1 made by a parent or through assignment of the parent's ~~his~~
2 wages, salary or commission be made directly to (a) the
3 Department of Healthcare and Family Services if the minor is a
4 recipient of aid under Article V of the Code, (b) the
5 Department of Human Services if the minor is a recipient of aid
6 under Article IV of the Code, or (c) the local governmental
7 unit responsible for the support of the minor if the minor ~~he~~
8 is a recipient under Articles VI or VII of the Code. The order
9 shall permit the Department of Healthcare and Family Services,
10 the Department of Human Services, or the local governmental
11 unit, as the case may be, to direct that subsequent payments be
12 made directly to the guardian or custodian of the minor, or to
13 some other person or agency in the minor's behalf, upon
14 removal of the minor from the public aid rolls; and upon such
15 direction and removal of the minor from the public aid rolls,
16 the Department of Healthcare and Family Services, Department
17 of Human Services, or local governmental unit, as the case
18 requires, shall give written notice of such action to the
19 court. Payments received by the Department of Healthcare and
20 Family Services, Department of Human Services, or local
21 governmental unit are to be covered, respectively, into the
22 General Revenue Fund of the State Treasury or General
23 Assistance Fund of the governmental unit, as provided in
24 Section 10-19 of the Illinois Public Aid Code.

25 (Source: P.A. 99-85, eff. 1-1-16.)

1 (705 ILCS 405/6-10) (from Ch. 37, par. 806-10)

2 Sec. 6-10. State reimbursement of funds.

3 (a) Before the 15th day of each month, the clerk of the
4 court shall itemize all payments received by the clerk ~~him~~
5 under Section 6-9 during the preceding month and shall pay
6 such amounts to the county treasurer. Before the 20th day of
7 each month, the county treasurer shall file with the
8 Department of Children and Family Services an itemized
9 statement of the amount of money for the care and shelter of a
10 minor placed in shelter care under Sections 2-7, 3-9, 4-6 or
11 5-410 or placed under Sections 2-27, 3-28, 4-25 or 5-740
12 before July 1, 1980 and after June 30, 1981, paid by the county
13 during the last preceding month pursuant to court order
14 entered under Section 6-8, certified by the court, and an
15 itemized account of all payments received by the clerk of the
16 court under Section 6-9 during the preceding month and paid
17 over to the county treasurer, certified by the county
18 treasurer. The Department of Children and Family Services
19 shall examine and audit the monthly statement and account, and
20 upon finding them correct, shall voucher for payment to the
21 county a sum equal to the amount so paid out by the county less
22 the amount received by the clerk of the court under Section 6-9
23 and paid to the county treasurer but not more than an amount
24 equal to the current average daily rate paid by the Department
25 of Children and Family Services for similar services pursuant
26 to Section 5a of Children and Family Services Act, approved

1 June 4, 1963, as amended. Reimbursement to the counties under
2 this Section for care and support of minors in licensed child
3 caring institutions must be made by the Department of Children
4 and Family Services only for care in those institutions which
5 have filed with the Department a certificate affirming that
6 they admit minors on the basis of need without regard to race
7 or ethnic origin.

8 (b) The county treasurer may file with the Department of
9 Children and Family Services an itemized statement of the
10 amount of money paid by the county during the last preceding
11 month pursuant to court order entered under Section 6-8,
12 certified by the court, and an itemized account of all
13 payments received by the clerk of the court under Section 6-9
14 during the preceding month and paid over to the county
15 treasurer, certified by the county treasurer. The Department
16 of Children and Family Services shall examine and audit the
17 monthly statement and account, and upon finding them correct,
18 shall voucher for payment to the county a sum equal to the
19 amount so paid out by the county less the amount received by
20 the clerk of the court under Section 6-9 and paid to the county
21 treasurer. Subject to appropriations for that purpose, the
22 State shall reimburse the county for the care and shelter of a
23 minor placed in detention as a result of any new provisions
24 that are created by the Juvenile Justice Reform Provisions of
25 1998 (Public Act 90-590).

26 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

1 Section 68. The Unified Code of Corrections is amended by
2 changing the heading of Article 2.7 of Chapter III and
3 Sections 3-2.7-1, 3-2.7-5, 3-2.7-10, 3-2.7-15, 3-2.7-20,
4 3-2.7-25, 3-2.7-30, 3-2.7-35, 3-2.7-40, 3-2.7-50, and 3-2.7-55
5 as follows:

6 (730 ILCS 5/Ch. III Art. 2.7 heading)

7 ARTICLE 2.7. DEPARTMENT OF JUVENILE JUSTICE
8 INDEPENDENT JUVENILE OMBUDSPERSON ~~OMBUDSMAN~~

9 (Source: P.A. 98-1032, eff. 8-25-14.)

10 (730 ILCS 5/3-2.7-1)

11 Sec. 3-2.7-1. Short title. This Article may be cited as
12 the Department of Juvenile Justice Independent Juvenile
13 Ombudsperson ~~Ombudsman~~ Law.

14 (Source: P.A. 98-1032, eff. 8-25-14.)

15 (730 ILCS 5/3-2.7-5)

16 Sec. 3-2.7-5. Purpose. The purpose of this Article is to
17 create within the Department of Juvenile Justice the Office of
18 Independent Juvenile Ombudsperson ~~Ombudsman~~ for the purpose of
19 securing the rights of youth committed to the Department of
20 Juvenile Justice, including youth released on aftercare before
21 final discharge.

22 (Source: P.A. 98-1032, eff. 8-25-14.)

1 (730 ILCS 5/3-2.7-10)

2 Sec. 3-2.7-10. Definitions. In this Article, unless the
3 context requires otherwise:

4 "Department" means the Department of Juvenile Justice.

5 "Immediate family or household member" means the spouse,
6 child, parent, brother, sister, grandparent, or grandchild,
7 whether of the whole blood or half blood or by adoption, or a
8 person who shares a common dwelling.

9 "Juvenile justice system" means all activities by public
10 or private agencies or persons pertaining to youth involved in
11 or having contact with the police, courts, or corrections.

12 "Office" means the Office of the Independent Juvenile
13 Ombudsperson ~~Ombudsman~~.

14 "Ombudsperson ~~Ombudsman~~" means the Department of Juvenile
15 Justice Independent Juvenile Ombudsperson ~~Ombudsman~~.

16 "Youth" means any person committed by court order to the
17 custody of the Department of Juvenile Justice, including youth
18 released on aftercare before final discharge.

19 (Source: P.A. 98-1032, eff. 8-25-14.)

20 (730 ILCS 5/3-2.7-15)

21 Sec. 3-2.7-15. Appointment of Independent Juvenile
22 Ombudsperson ~~Ombudsman~~. The Governor shall appoint the
23 Independent Juvenile Ombudsperson ~~Ombudsman~~ with the advice
24 and consent of the Senate for a term of 4 years, with the first

1 term expiring February 1, 2017. A person appointed as
2 Ombudsperson ~~Ombudsman~~ may be reappointed to one or more
3 subsequent terms. A vacancy shall occur upon resignation,
4 death, or removal. The Ombudsperson ~~Ombudsman~~ may only be
5 removed by the Governor for incompetency, malfeasance, neglect
6 of duty, or conviction of a felony. If the Senate is not in
7 session or is in recess when an appointment subject to its
8 confirmation is made, the Governor shall make a temporary
9 appointment which shall be subject to subsequent Senate
10 approval. The Ombudsperson ~~Ombudsman~~ may employ deputies to
11 perform, under the direction of the Ombudsperson ~~Ombudsman~~,
12 the same duties and exercise the same powers as the
13 Ombudsperson ~~Ombudsman~~, and may employ other support staff as
14 deemed necessary. The Ombudsperson ~~Ombudsman~~ and deputies
15 must:

16 (1) be over the age of 21 years;

17 (2) have a bachelor's or advanced degree from an
18 accredited college or university; and

19 (3) have relevant expertise in areas such as the
20 juvenile justice system, investigations, or civil rights
21 advocacy as evidenced by experience in the field or by
22 academic background.

23 (Source: P.A. 98-1032, eff. 8-25-14.)

24 (730 ILCS 5/3-2.7-20)

25 Sec. 3-2.7-20. Conflicts of interest. A person may not

1 serve as Ombudsperson ~~Ombudsman~~ or as a deputy if the person or
2 the person's immediate family or household member:

3 (1) is or has been employed by the Department of
4 Juvenile Justice or Department of Corrections within one
5 year prior to appointment, other than as Ombudsperson
6 ~~Ombudsman~~ or Deputy Ombudsperson ~~Ombudsman~~;

7 (2) participates in the management of a business
8 entity or other organization receiving funds from the
9 Department of Juvenile Justice;

10 (3) owns or controls, directly or indirectly, any
11 interest in a business entity or other organization
12 receiving funds from the Department of Juvenile Justice;

13 (4) uses or receives any amount of tangible goods,
14 services, or funds from the Department of Juvenile
15 Justice, other than as Ombudsperson ~~Ombudsman~~ or Deputy
16 Ombudsperson ~~Ombudsman~~; or

17 (5) is required to register as a lobbyist for an
18 organization that interacts with the juvenile justice
19 system.

20 (Source: P.A. 98-1032, eff. 8-25-14.)

21 (730 ILCS 5/3-2.7-25)

22 Sec. 3-2.7-25. Duties and powers.

23 (a) The Independent Juvenile Ombudsperson ~~Ombudsman~~ shall
24 function independently within the Department of Juvenile
25 Justice with respect to the operations of the Office in

1 performance of the Ombudsperson's ~~his or her~~ duties under this
2 Article and shall report to the Governor. The Ombudsperson
3 ~~Ombudsman~~ shall adopt rules and standards as may be necessary
4 or desirable to carry out the Ombudsperson's ~~his or her~~
5 duties. Funding for the Office shall be designated separately
6 within Department funds. The Department shall provide
7 necessary administrative services and facilities to the Office
8 of the Independent Juvenile Ombudsperson ~~Ombudsman~~.

9 (b) The Office of Independent Juvenile Ombudsperson
10 ~~Ombudsman~~ shall have the following duties:

11 (1) review and monitor the implementation of the rules
12 and standards established by the Department of Juvenile
13 Justice and evaluate the delivery of services to youth to
14 ensure that the rights of youth are fully observed;

15 (2) provide assistance to a youth or family whom the
16 Ombudsperson ~~Ombudsman~~ determines is in need of
17 assistance, including advocating with an agency, provider,
18 or other person in the best interests of the youth;

19 (3) investigate and attempt to resolve complaints made
20 by or on behalf of youth, other than complaints alleging
21 criminal behavior or violations of the State Officials and
22 Employees Ethics Act, if the Office determines that the
23 investigation and resolution would further the purpose of
24 the Office, and:

25 (A) a youth committed to the Department of
26 Juvenile Justice or the youth's family is in need of

1 assistance from the Office; or

2 (B) a systemic issue in the Department of Juvenile
3 Justice's provision of services is raised by a
4 complaint;

5 (4) review or inspect periodically the facilities and
6 procedures of any facility in which a youth has been
7 placed by the Department of Juvenile Justice to ensure
8 that the rights of youth are fully observed; and

9 (5) be accessible to and meet confidentially and
10 regularly with youth committed to the Department and serve
11 as a resource by informing them of pertinent laws, rules,
12 and policies, and their rights thereunder.

13 (c) The following cases shall be reported immediately to
14 the Director of Juvenile Justice and the Governor:

15 (1) cases of severe abuse or injury of a youth;

16 (2) serious misconduct, misfeasance, malfeasance, or
17 serious violations of policies and procedures concerning
18 the administration of a Department of Juvenile Justice
19 program or operation;

20 (3) serious problems concerning the delivery of
21 services in a facility operated by or under contract with
22 the Department of Juvenile Justice;

23 (4) interference by the Department of Juvenile Justice
24 with an investigation conducted by the Office; and

25 (5) other cases as deemed necessary by the
26 Ombudsperson ~~Ombudsman~~.

1 (d) Notwithstanding any other provision of law, the
2 Ombudsperson ~~Ombudsman~~ may not investigate alleged criminal
3 behavior or violations of the State Officials and Employees
4 Ethics Act. If the Ombudsperson ~~Ombudsman~~ determines that a
5 possible criminal act has been committed, or that special
6 expertise is required in the investigation, the Ombudsperson
7 ~~he or she~~ shall immediately notify the Illinois State Police.
8 If the Ombudsperson ~~Ombudsman~~ determines that a possible
9 violation of the State Officials and Employees Ethics Act has
10 occurred, the Ombudsperson ~~he or she~~ shall immediately refer
11 the incident to the Office of the Governor's Executive
12 Inspector General for investigation. If the Ombudsperson
13 ~~Ombudsman~~ receives a complaint from a youth or third party
14 regarding suspected abuse or neglect of a child, the
15 Ombudsperson ~~Ombudsman~~ shall refer the incident to the Child
16 Abuse and Neglect Hotline or to the Illinois State Police as
17 mandated by the Abused and Neglected Child Reporting Act. Any
18 investigation conducted by the Ombudsperson ~~Ombudsman~~ shall
19 not be duplicative and shall be separate from any
20 investigation mandated by the Abused and Neglected Child
21 Reporting Act. All investigations conducted by the
22 Ombudsperson ~~Ombudsman~~ shall be conducted in a manner designed
23 to ensure the preservation of evidence for possible use in a
24 criminal prosecution.

25 (e) In performance of the Ombudsperson's ~~his or her~~
26 duties, the Ombudsperson ~~Ombudsman~~ may:

- 1 (1) review court files of youth;
- 2 (2) recommend policies, rules, and legislation
3 designed to protect youth;
- 4 (3) make appropriate referrals under any of the duties
5 and powers listed in this Section;
- 6 (4) attend internal administrative and disciplinary
7 hearings to ensure the rights of youth are fully observed
8 and advocate for the best interest of youth when deemed
9 necessary; and
- 10 (5) perform other acts, otherwise permitted or
11 required by law, in furtherance of the purpose of the
12 Office.

13 (f) To assess if a youth's rights have been violated, the
14 Ombudsperson ~~Ombudsman~~ may, in any matter that does not
15 involve alleged criminal behavior, contact or consult with an
16 administrator, employee, youth, parent, expert, or any other
17 individual in the course of the Ombudsperson's ~~his or her~~
18 investigation or to secure information as necessary to fulfill
19 the Ombudsperson's ~~his or her~~ duties.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 (730 ILCS 5/3-2.7-30)

22 Sec. 3-2.7-30. Duties of the Department of Juvenile
23 Justice.

24 (a) The Department of Juvenile Justice shall allow any
25 youth to communicate with the Ombudsperson ~~Ombudsman~~ or a

1 deputy at any time. The communication:

2 (1) may be in person, by phone, by mail, or by any
3 other means deemed appropriate in light of security
4 concerns; and

5 (2) is confidential and privileged.

6 (b) The Department shall allow the Ombudsperson ~~Ombudsman~~
7 and deputies full and unannounced access to youth and
8 Department facilities at any time. The Department shall
9 furnish the Ombudsperson ~~Ombudsman~~ and deputies with
10 appropriate meeting space in each facility in order to
11 preserve confidentiality.

12 (c) The Department shall allow the Ombudsperson ~~Ombudsman~~
13 and deputies to participate in professional development
14 opportunities provided by the Department of Juvenile Justice
15 as practical and to attend appropriate professional training
16 when requested by the Ombudsperson ~~Ombudsman~~.

17 (d) The Department shall provide the Ombudsperson
18 ~~Ombudsman~~ copies of critical incident reports involving a
19 youth residing in a facility operated by the Department.
20 Critical incidents include, but are not limited to, severe
21 injuries that result in hospitalization, suicide attempts that
22 require medical intervention, sexual abuse, and escapes.

23 (e) The Department shall provide the Ombudsperson
24 ~~Ombudsman~~ with reasonable advance notice of all internal
25 administrative and disciplinary hearings regarding a youth
26 residing in a facility operated by the Department.

1 (f) The Department of Juvenile Justice may not discharge,
2 demote, discipline, or in any manner discriminate or retaliate
3 against a youth or an employee who in good faith makes a
4 complaint to the Office of the Independent Juvenile
5 Ombudsperson ~~Ombudsman~~ or cooperates with the Office.

6 (Source: P.A. 98-1032, eff. 8-25-14.)

7 (730 ILCS 5/3-2.7-35)

8 Sec. 3-2.7-35. Reports. The Independent Juvenile
9 Ombudsperson ~~Ombudsman~~ shall provide to the General Assembly
10 and the Governor, no later than January 1 of each year, a
11 summary of activities done in furtherance of the purpose of
12 the Office for the prior fiscal year. The summaries shall
13 contain data both aggregated and disaggregated by individual
14 facility and describe:

15 (1) the work of the Ombudsperson ~~Ombudsman~~;

16 (2) the status of any review or investigation
17 undertaken by the Ombudsperson ~~Ombudsman~~, but may not
18 contain any confidential or identifying information
19 concerning the subjects of the reports and investigations;
20 and

21 (3) any recommendations that the Independent Juvenile
22 Ombudsperson ~~Ombudsman~~ has relating to a systemic issue in
23 the Department of Juvenile Justice's provision of services
24 and any other matters for consideration by the General
25 Assembly and the Governor.

1 (Source: P.A. 98-1032, eff. 8-25-14.)

2 (730 ILCS 5/3-2.7-40)

3 Sec. 3-2.7-40. Complaints. The Office of Independent
4 Juvenile Ombudsperson ~~Ombudsman~~ shall promptly and efficiently
5 act on complaints made by or on behalf of youth filed with the
6 Office that relate to the operations or staff of the
7 Department of Juvenile Justice. The Office shall maintain
8 information about parties to the complaint, the subject matter
9 of the complaint, a summary of the results of the review or
10 investigation of the complaint, including any resolution of or
11 recommendations made as a result of the complaint. The Office
12 shall make information available describing its procedures for
13 complaint investigation and resolution. When applicable, the
14 Office shall notify the complaining youth that an
15 investigation and resolution may result in or will require
16 disclosure of the complaining youth's identity. The Office
17 shall periodically notify the complaint parties of the status
18 of the complaint until final disposition.

19 (Source: P.A. 98-1032, eff. 8-25-14.)

20 (730 ILCS 5/3-2.7-50)

21 Sec. 3-2.7-50. Promotion and awareness of Office. The
22 Independent Juvenile Ombudsperson ~~Ombudsman~~ shall promote
23 awareness among the public and youth of:

24 (1) the rights of youth committed to the Department;

- 1 (2) the purpose of the Office;
2 (3) how the Office may be contacted;
3 (4) the confidential nature of communications; and
4 (5) the services the Office provides.
5 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

6 (730 ILCS 5/3-2.7-55)

7 Sec. 3-2.7-55. Access to information of governmental
8 entities. The Department of Juvenile Justice shall provide the
9 Independent Juvenile Ombudsperson ~~Ombudsman~~ unrestricted
10 access to all master record files of youth under Section 3-5-1
11 of this Code. Access to educational, social, psychological,
12 mental health, substance abuse, and medical records shall not
13 be disclosed except as provided in Section 5-910 of the
14 Juvenile Court Act of 1987, the Mental Health and
15 Developmental Disabilities Confidentiality Act, the School
16 Code, and any applicable federal laws that govern access to
17 those records.

18 (Source: P.A. 98-1032, eff. 8-25-14.)

19 Section 70. The Emancipation of Minors Act is amended by
20 changing Sections 2, 3-2, 4, 7, and 9 as follows:

21 (750 ILCS 30/2) (from Ch. 40, par. 2202)

22 Sec. 2. Purpose and policy. The purpose of this Act is to
23 provide a means by which a mature minor who has demonstrated

1 the ability and capacity to manage the minor's ~~his~~ own affairs
2 and to live wholly or partially independent of the minor's ~~his~~
3 parents or guardian, may obtain the legal status of an
4 emancipated person with power to enter into valid legal
5 contracts.

6 This Act is not intended to interfere with the integrity
7 of the family or the rights of parents and their children. No
8 order of complete or partial emancipation may be entered under
9 this Act if there is any objection by the minor. An order of
10 complete or partial emancipation may be entered under this Act
11 if there is an objection by the minor's parents or guardian
12 only if the court finds, in a hearing, that emancipation would
13 be in the minor's best interests. This Act does not limit or
14 exclude any other means either in statute or case law by which
15 a minor may become emancipated.

16 (g) Beginning January 1, 2019, and annually thereafter
17 through January 1, 2024, the Department of Human Services
18 shall submit annual reports to the General Assembly regarding
19 homeless minors older than 16 years of age but less than 18
20 years of age referred to a youth transitional housing program
21 for whom parental consent to enter the program is not
22 obtained. The report shall include the following information:

23 (1) the number of homeless minors referred to youth
24 transitional housing programs;

25 (2) the number of homeless minors who were referred
26 but a licensed youth transitional housing program was not

1 able to provide housing and services, and what subsequent
2 steps, if any, were taken to ensure that the homeless
3 minors were referred to an appropriate and available
4 alternative placement;

5 (3) the number of homeless minors who were referred
6 but determined to be ineligible for a youth transitional
7 housing program and the reason why the homeless minors
8 were determined to be ineligible, and what subsequent
9 steps, if any, were taken to ensure that the homeless
10 minors were referred to an appropriate and available
11 alternative placement; and

12 (4) the number of homeless minors who voluntarily left
13 the program and who were dismissed from the program while
14 they were under the age of 18, and what subsequent steps,
15 if any, were taken to ensure that the homeless minors were
16 referred to an appropriate and available alternative
17 placement.

18 (Source: P.A. 100-162, eff. 1-1-18; 101-135, eff. 7-26-19.)

19 (750 ILCS 30/3-2) (from Ch. 40, par. 2203-2)

20 Sec. 3-2. Mature minor. "Mature minor" means a person 16
21 years of age or over and under the age of 18 years who has
22 demonstrated the ability and capacity to manage the minor's
23 ~~his~~ own affairs and to live wholly or partially independent of
24 the minor's ~~his~~ parents or guardian.

25 (Source: P.A. 81-833.)

1 (750 ILCS 30/4) (from Ch. 40, par. 2204)

2 Sec. 4. Jurisdiction. The circuit court in the county
3 where the minor resides, is found, owns property, or in which a
4 court action affecting the interests of the minor is pending,
5 may, upon the filing of a petition on behalf of the minor by
6 the minor's ~~his~~ next friend, parent or guardian and after any
7 hearing or notice to all persons as set forth in Sections 7, 8,
8 and 9 of this Act, enter a finding that the minor is a mature
9 minor and order complete or partial emancipation of the minor.
10 The court in its order for partial emancipation may
11 specifically limit the rights and responsibilities of the
12 minor seeking emancipation.

13 (Source: P.A. 100-162, eff. 1-1-18.)

14 (750 ILCS 30/7) (from Ch. 40, par. 2207)

15 Sec. 7. Petition. The petition for emancipation shall be
16 verified and shall set forth: (1) the age of the minor; (2)
17 that the minor is a resident of Illinois at the time of the
18 filing of the petition, or owns real estate in Illinois, or has
19 an interest or is a party in any case pending in Illinois; (3)
20 the cause for which the minor seeks to obtain partial or
21 complete emancipation; (4) the names of the minor's parents,
22 and the address, if living; (5) the names and addresses of any
23 guardians or custodians appointed for the minor; (6) that the
24 minor is a mature minor who has demonstrated the ability and

1 capacity to manage the minor's ~~his~~ own affairs and (7) that the
2 minor has lived wholly or partially independent of the minor's
3 ~~his~~ parents or guardian.

4 (Source: P.A. 100-162, eff. 1-1-18.)

5 (750 ILCS 30/9) (from Ch. 40, par. 2209)

6 Sec. 9. Hearing on petition.

7 (a) Mature minor. Before proceeding to a hearing on the
8 petition for emancipation of a mature minor the court shall
9 advise all persons present of the nature of the proceedings,
10 and their rights and responsibilities if an order of
11 emancipation should be entered.

12 If, after the hearing, the court determines that the minor
13 is a mature minor who is of sound mind and has the capacity and
14 maturity to manage the minor's ~~his~~ own affairs including the
15 minor's ~~his~~ finances, and that the best interests of the minor
16 and the minor's ~~his~~ family will be promoted by declaring the
17 minor an emancipated minor, the court shall enter a finding
18 that the minor is an emancipated minor within the meaning of
19 this Act, or that the mature minor is partially emancipated
20 with such limitations as the court by order deems appropriate.
21 No order of complete or partial emancipation may be entered
22 under this Act if there is any objection by the minor. An order
23 of complete or partial emancipation may be entered under this
24 Act if there is an objection by the minor's parents or guardian
25 only if the court finds, in a hearing, that emancipation would

1 be in the minor's best interests.

2 (b) (Blank).

3 (Source: P.A. 100-162, eff. 1-1-18; 101-135, eff. 7-26-19.)

4 Section 995. No acceleration or delay. Where this Act
5 makes changes in a statute that is represented in this Act by
6 text that is not yet or no longer in effect (for example, a
7 Section represented by multiple versions), the use of that
8 text does not accelerate or delay the taking effect of (i) the
9 changes made by this Act or (ii) provisions derived from any
10 other Public Act.

11 Section 999. Effective date. This Act takes effect 60 days
12 after becoming law.

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