

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, 7.5,
6 7.8, 8, 8a, 8b, 9.3, 9.5, 17, 21, 35.5, 35.6, and 35.9 and by
7 changing Section 5.26 (as added by Public Act 102-763) as
8 follows:

9 (20 ILCS 505/4b)

10 Sec. 4b. Youth transitional housing programs.

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

19 (b) A homeless minor is eligible if:

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

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

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

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

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

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

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

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

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

24 (C) the youth transitional housing program or
25 comprehensive community based youth services agency
26 has made reasonable efforts and documented its

1 attempts to notify the homeless minor's parent or
2 guardian of the homeless minor's intent to enter the
3 youth transitional housing program.

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

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

24 (f) The purpose of this Section is to provide a means by
25 which an eligible homeless minor may have the authority to
26 consent, independent of the homeless minor's ~~his or her~~

1 parents or guardian, to receive housing and services as
2 described in subsection (a) of this Section provided by a
3 licensed youth transitional housing program that has the
4 ability to serve the homeless minor. This Section is not
5 intended to interfere with the integrity of the family or the
6 rights of parents and their children. This Section does not
7 limit or exclude any means by which a minor may become
8 emancipated.

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

10 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

15 (a) For purposes of this Section:

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

19 (A) were committed to the Department pursuant to
20 the Juvenile Court Act or the Juvenile Court Act of
21 1987 and who continue under the jurisdiction of the
22 court; or

23 (B) were accepted for care, service and training
24 by the Department prior to the age of 18 and whose best
25 interest in the discretion of the Department would be

1 served by continuing that care, service and training
2 because of severe emotional disturbances, physical
3 disability, social adjustment or any combination
4 thereof, or because of the need to complete an
5 educational or vocational training program.

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

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

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

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

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

26 (D) restoring to their families children who have

1 been removed, by the provision of services to the
2 child and the families when the child can be cared for
3 at home without endangering the child's health and
4 safety;

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

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

18 (G) (blank);

19 (H) (blank); and

20 (I) placing and maintaining children in facilities
21 that provide separate living quarters for children
22 under the age of 18 and for children 18 years of age
23 and older, unless a child 18 years of age is in the
24 last year of high school education or vocational
25 training, in an approved individual or group treatment
26 program, in a licensed shelter facility, or secure

1 child care facility. The Department is not required to
2 place or maintain children:

3 (i) who are in a foster home, or

4 (ii) who are persons with a developmental
5 disability, as defined in the Mental Health and
6 Developmental Disabilities Code, or

7 (iii) who are female children who are
8 pregnant, pregnant and parenting, or parenting, or

9 (iv) who are siblings, in facilities that
10 provide separate living quarters for children 18
11 years of age and older and for children under 18
12 years of age.

13 (b) (Blank).

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

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

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

11 (e) (Blank).

12 (f) (Blank).

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

18 (1) adoption;

19 (2) foster care;

20 (3) family counseling;

21 (4) protective services;

22 (5) (blank);

23 (6) homemaker service;

24 (7) return of runaway children;

25 (8) (blank);

26 (9) placement under Section 5-7 of the Juvenile Court

1 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
2 Court Act of 1987 in accordance with the federal Adoption
3 Assistance and Child Welfare Act of 1980; and
4 (10) interstate services.

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

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

25 (i) Service programs shall be available throughout the
26 State and shall include but not be limited to the following

1 services:

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

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

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

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

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

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

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

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

1 (j-5) The Department shall not deny or delay the placement
2 of a child for adoption if an approved family is available
3 either outside of the Department region handling the case, or
4 outside of the State of Illinois.

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

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

1 private right of action or claim on the part of any individual
2 or child welfare agency, except that when a child is the
3 subject of an action under Article II of the Juvenile Court Act
4 of 1987 and the child's service plan calls for services to
5 facilitate achievement of the permanency goal, the court
6 hearing the action under Article II of the Juvenile Court Act
7 of 1987 may order the Department to provide the services set
8 out in the plan, if those services are not provided with
9 reasonable promptness and if those services are available.

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

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

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

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

22 As soon as is possible after August 7, 2009 (the effective
23 date of Public Act 96-134), the Department shall develop and
24 implement a special program of family preservation services to
25 support intact, foster, and adoptive families who are
26 experiencing extreme hardships due to the difficulty and

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

24 (1-1) The General Assembly ~~legislature~~ recognizes that the
25 best interests of the child require that the child be placed in
26 the most permanent living arrangement as soon as is

1 practically possible. To achieve this goal, the General
2 Assembly ~~legislature~~ directs the Department of Children and
3 Family Services to conduct concurrent planning so that
4 permanency may occur at the earliest opportunity. Permanent
5 living arrangements may include prevention of placement of a
6 child outside the home of the family when the child can be
7 cared for at home without endangering the child's health or
8 safety; reunification with the family, when safe and
9 appropriate, if temporary placement is necessary; or movement
10 of the child toward the most permanent living arrangement and
11 permanent legal status.

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

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

1 reunification services after such a finding.

2 A decision to place a child in substitute care shall be
3 made with considerations of the child's health, safety, and
4 best interests. At the time of placement, consideration should
5 also be given so that if reunification fails or is delayed, the
6 placement made is the best available placement to provide
7 permanency for the child.

8 The Department shall adopt rules addressing concurrent
9 planning for reunification and permanency. The Department
10 shall consider the following factors when determining
11 appropriateness of concurrent planning:

12 (1) the likelihood of prompt reunification;

13 (2) the past history of the family;

14 (3) the barriers to reunification being addressed by
15 the family;

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

17 (5) the foster parents' willingness to work with the
18 family to reunite;

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

21 (7) the age of the child;

22 (8) placement of siblings.

23 (m) The Department may assume temporary custody of any
24 child if:

25 (1) it has received a written consent to such
26 temporary custody signed by the parents of the child or by

1 the parent having custody of the child if the parents are
2 not living together or by the guardian or custodian of the
3 child if the child is not in the custody of either parent,
4 or

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

8 If the child is found in the child's ~~his or her~~ residence
9 without a parent, guardian, custodian, or responsible
10 caretaker, the Department may, instead of removing the child
11 and assuming temporary custody, place an authorized
12 representative of the Department in that residence until such
13 time as a parent, guardian, or custodian enters the home and
14 expresses a willingness and apparent ability to ensure the
15 child's health and safety and resume permanent charge of the
16 child, or until a relative enters the home and is willing and
17 able to ensure the child's health and safety and assume charge
18 of the child until a parent, guardian, or custodian enters the
19 home and expresses such willingness and ability to ensure the
20 child's safety and resume permanent charge. After a caretaker
21 has remained in the home for a period not to exceed 12 hours,
22 the Department must follow those procedures outlined in
23 Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of
24 1987.

25 The Department shall have the authority, responsibilities
26 and duties that a legal custodian of the child would have

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

13 The Department shall ensure that any child taken into
14 custody is scheduled for an appointment for a medical
15 examination.

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

1 filed within the 10-day period, the child shall be surrendered
2 to the custody of the requesting parent, guardian, or
3 custodian not later than the expiration of the 10-day period,
4 at which time the authority and duties of the Department with
5 respect to the temporary custody of the child shall terminate.

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

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

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

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

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

24 (o) The Department shall establish an administrative
25 review and appeal process for children and families who
26 request or receive child welfare services from the Department.

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

22 (p) (Blank).

23 (q) The Department may receive and use, in their entirety,
24 for the benefit of children any gift, donation, or bequest of
25 money or other property which is received on behalf of such
26 children, or any financial benefits to which such children are

1 or may become entitled while under the jurisdiction or care of
2 the Department, except that the benefits described in Section
3 5.46 must be used and conserved consistent with the provisions
4 under Section 5.46.

5 The Department shall set up and administer no-cost,
6 interest-bearing accounts in appropriate financial
7 institutions for children for whom the Department is legally
8 responsible and who have been determined eligible for
9 Veterans' Benefits, Social Security benefits, assistance
10 allotments from the armed forces, court ordered payments,
11 parental voluntary payments, Supplemental Security Income,
12 Railroad Retirement payments, Black Lung benefits, or other
13 miscellaneous payments. Interest earned by each account shall
14 be credited to the account, unless disbursed in accordance
15 with this subsection.

16 In disbursing funds from children's accounts, the
17 Department shall:

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

26 (2) Calculate on a monthly basis the amounts paid from

1 State funds for the child's board and care, medical care
2 not covered under Medicaid, and social services; and
3 utilize funds from the child's account, as covered by
4 regulation, to reimburse those costs. Monthly,
5 disbursements from all children's accounts, up to 1/12 of
6 \$13,000,000, shall be deposited by the Department into the
7 General Revenue Fund and the balance over 1/12 of
8 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 agent its duty to maintain and make available such lists. The
2 Department shall ensure that such agent maintains the
3 confidentiality of the person seeking to adopt the child and
4 of the child.

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

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

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

23 (2) the court has ordered one or both of the parties to
24 the proceeding to reimburse the Department for its
25 reasonable costs for providing such services in accordance
26 with Department rules, or has determined that neither

1 party is financially able to pay.

2 The Department shall provide written notification to the
3 court of the specific arrangements for supervised visitation
4 and projected monthly costs within 60 days of the court order.
5 The Department shall send to the court information related to
6 the costs incurred except in cases where the court has
7 determined the parties are financially unable to pay. The
8 court may order additional periodic reports as appropriate.

9 (u) In addition to other information that must be
10 provided, whenever the Department places a child with a
11 prospective adoptive parent or parents, in a licensed foster
12 home, group home, or child care institution, or in a relative
13 home, the Department shall provide to the prospective adoptive
14 parent or parents or other caretaker:

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

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

26 (3) information containing details of the child's

1 individualized educational plan when the child is
2 receiving special education services.

3 The caretaker shall be informed of any known social or
4 behavioral information (including, but not limited to,
5 criminal background, fire setting, perpetuation of sexual
6 abuse, destructive behavior, and substance abuse) necessary to
7 care for and safeguard the children to be placed or currently
8 in the home. The Department may prepare a written summary of
9 the information required by this paragraph, which may be
10 provided to the foster or prospective adoptive parent in
11 advance of a placement. The foster or prospective adoptive
12 parent may review the supporting documents in the child's file
13 in the presence of casework staff. In the case of an emergency
14 placement, casework staff shall at least provide known
15 information verbally, if necessary, and must subsequently
16 provide the information in writing as required by this
17 subsection.

18 The information described in this subsection shall be
19 provided in writing. In the case of emergency placements when
20 time does not allow prior review, preparation, and collection
21 of written information, the Department shall provide such
22 information as it becomes available. Within 10 business days
23 after placement, the Department shall obtain from the
24 prospective adoptive parent or parents or other caretaker a
25 signed verification of receipt of the information provided.
26 Within 10 business days after placement, the Department shall

1 provide to the child's guardian ad litem a copy of the
2 information provided to the prospective adoptive parent or
3 parents or other caretaker. The information provided to the
4 prospective adoptive parent or parents or other caretaker
5 shall be reviewed and approved regarding accuracy at the
6 supervisory level.

7 (u-5) Effective July 1, 1995, only foster care placements
8 licensed as foster family homes pursuant to the Child Care Act
9 of 1969 shall be eligible to receive foster care payments from
10 the Department. Relative caregivers who, as of July 1, 1995,
11 were approved pursuant to approved relative placement rules
12 previously promulgated by the Department at 89 Ill. Adm. Code
13 335 and had submitted an application for licensure as a foster
14 family home may continue to receive foster care payments only
15 until the Department determines that they may be licensed as a
16 foster family home or that their application for licensure is
17 denied or until September 30, 1995, whichever occurs first.

18 (v) The Department shall access criminal history record
19 information as defined in the Illinois Uniform Conviction
20 Information Act and information maintained in the adjudicatory
21 and dispositional record system as defined in Section 2605-355
22 of the Illinois State Police Law if the Department determines
23 the information is necessary to perform its duties under the
24 Abused and Neglected Child Reporting Act, the Child Care Act
25 of 1969, and the Children and Family Services Act. The
26 Department shall provide for interactive computerized

1 communication and processing equipment that permits direct
2 on-line communication with the Illinois State Police's central
3 criminal history data repository. The Department shall comply
4 with all certification requirements and provide certified
5 operators who have been trained by personnel from the Illinois
6 State Police. In addition, one Office of the Inspector General
7 investigator shall have training in the use of the criminal
8 history information access system and have access to the
9 terminal. The Department of Children and Family Services and
10 its employees shall abide by rules and regulations established
11 by the Illinois State Police relating to the access and
12 dissemination of this information.

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

25 (v-2) Prior to final approval for placement of a child,
26 the Department shall check its child abuse and neglect

1 registry for information concerning prospective foster and
2 adoptive parents, and any adult living in the home. If any
3 prospective foster or adoptive parent or other adult living in
4 the home has resided in another state in the preceding 5 years,
5 the Department shall request a check of that other state's
6 child abuse and neglect registry.

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

1 facilities.

2 (x) The Department shall conduct annual credit history
3 checks to determine the financial history of children placed
4 under its guardianship pursuant to the Juvenile Court Act of
5 1987. The Department shall conduct such credit checks starting
6 when a youth in care turns 12 years old and each year
7 thereafter for the duration of the guardianship as terminated
8 pursuant to the Juvenile Court Act of 1987. The Department
9 shall determine if financial exploitation of the child's
10 personal information has occurred. If financial exploitation
11 appears to have taken place or is presently ongoing, the
12 Department shall notify the proper law enforcement agency, the
13 proper State's Attorney, or the Attorney General.

14 (y) Beginning on July 22, 2010 (the effective date of
15 Public Act 96-1189), a child with a disability who receives
16 residential and educational services from the Department shall
17 be eligible to receive transition services in accordance with
18 Article 14 of the School Code from the age of 14.5 through age
19 21, inclusive, notwithstanding the child's residential
20 services arrangement. For purposes of this subsection, "child
21 with a disability" means a child with a disability as defined
22 by the federal Individuals with Disabilities Education
23 Improvement Act of 2004.

24 (z) The Department shall access criminal history record
25 information as defined as "background information" in this
26 subsection and criminal history record information as defined

1 in the Illinois Uniform Conviction Information Act for each
2 Department employee or Department applicant. Each Department
3 employee or Department applicant shall submit the employee's
4 or applicant's ~~his or her~~ fingerprints to the Illinois State
5 Police in the form and manner prescribed by the Illinois State
6 Police. These fingerprints shall be checked against the
7 fingerprint records now and hereafter filed in the Illinois
8 State Police and the Federal Bureau of Investigation criminal
9 history records databases. The Illinois State Police shall
10 charge a fee for conducting the criminal history record check,
11 which shall be deposited into the State Police Services Fund
12 and shall not exceed the actual cost of the record check. The
13 Illinois State Police shall furnish, pursuant to positive
14 identification, all Illinois conviction information to the
15 Department of Children and Family Services.

16 For purposes of this subsection:

17 "Background information" means all of the following:

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

25 (ii) Information obtained by the Department of
26 Children and Family Services after performing a check of

1 the Illinois State Police's Sex Offender Database, as
2 authorized by Section 120 of the Sex Offender Community
3 Notification Law, concerning a Department employee or
4 Department applicant.

5 (iii) Information obtained by the Department of
6 Children and Family Services after performing a check of
7 the Child Abuse and Neglect Tracking System (CANTS)
8 operated and maintained by the Department.

9 "Department employee" means a full-time or temporary
10 employee coded or certified within the State of Illinois
11 Personnel System.

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

21 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;
22 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.
23 8-20-21; 102-1014, eff. 5-27-22.)

24 (20 ILCS 505/5c)

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

1 (a) By January 1, 2000, the Department, in consultation
2 with private child welfare agencies, shall develop and
3 implement a direct child welfare service employee license. By
4 January 1, 2001 all child protective investigators and
5 supervisors and child welfare specialists and supervisors
6 employed by the Department or its contractors shall be
7 required to demonstrate sufficient knowledge and skills to
8 obtain and maintain the license. The Direct Child Welfare
9 Service Employee License Board of the Department shall have
10 the authority to revoke or suspend the license of anyone who
11 after a hearing is found to be guilty of misfeasance. The
12 Department shall promulgate such rules as necessary to
13 implement this Section.

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

1 having a valid driver's license, the Department shall
2 immediately revoke the individual's direct child welfare
3 service employee license.

4 (c) On or before January 1, 2000, and every year
5 thereafter, the Department shall submit an annual report to
6 the General Assembly on the implementation of this Section.

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

8 (20 ILCS 505/5d)

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

11 (a) For purposes of this Section:

12 (1) "Board" means the Direct Child Welfare Service
13 Employee License Board.

14 (2) "Director" means the Director of Children and
15 Family Services.

16 (b) The Direct Child Welfare Service Employee License
17 Board is created within the Department of Children and Family
18 Services and shall consist of 9 members appointed by the
19 Director. The Director shall annually designate a chairperson
20 and vice-chairperson of the Board. The membership of the Board
21 must be composed as follows: (i) 5 licensed professionals from
22 the field of human services with a human services, juris
23 doctor, medical, public administration, or other relevant
24 human services degree and who are in good standing within
25 their profession, at least 2 of which must be employed in the

1 private not-for-profit sector and at least one of which in the
2 public sector; (ii) 2 faculty members of an accredited
3 university who have child welfare experience and are in good
4 standing within their profession and (iii) 2 members of the
5 general public who are not licensed under this Act or a similar
6 rule and will represent consumer interests.

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

20 The Director may terminate the appointment of any member
21 for good cause, including but not limited to (i) unjustified
22 absences from Board meetings or other failure to meet Board
23 responsibilities, (ii) failure to recuse oneself ~~himself or~~
24 ~~herself~~ when required by subsection (c) of this Section or
25 Department rule, or (iii) failure to maintain the professional
26 position required by Department rule. No member of the Board

1 may have a pending or indicated report of child abuse or
2 neglect or a pending complaint or criminal conviction of any
3 of the offenses set forth in paragraph (b) of Section 4.2 of
4 the Child Care Act of 1969.

5 The members of the Board shall receive no compensation for
6 the performance of their duties as members, but each member
7 shall be reimbursed for the member's ~~his or her~~ reasonable and
8 necessary expenses incurred in attending the meetings of the
9 Board.

10 (c) The Board shall make recommendations to the Director
11 regarding licensure rules. Board members must recuse
12 themselves from sitting on any matter involving an employee of
13 a child welfare agency at which the Board member is an employee
14 or contractual employee. The Board shall make a final
15 determination concerning revocation, suspension, or
16 reinstatement of an employee's direct child welfare service
17 license after a hearing conducted under the Department's
18 rules. Upon notification of the manner of the vote to all the
19 members, votes on a final determination may be cast in person,
20 by telephonic or electronic means, or by mail at the
21 discretion of the chairperson. A simple majority of the
22 members appointed and serving is required when Board members
23 vote by mail or by telephonic or electronic means. A majority
24 of the currently appointed and serving Board members
25 constitutes a quorum. A majority of a quorum is required when a
26 recommendation is voted on during a Board meeting. A vacancy

1 in the membership of the Board shall not impair the right of a
2 quorum to perform all the duties of the Board. Board members
3 are not personally liable in any action based upon a
4 disciplinary proceeding or otherwise for any action taken in
5 good faith as a member of the Board.

6 (d) The Director may assign Department employees to
7 provide staffing services to the Board. The Department must
8 promulgate any rules necessary to implement and administer the
9 requirements of this Section.

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

11 (20 ILCS 505/5.26)

12 Sec. 5.26. Foster children; exit interviews.

13 (a) Unless clinically contraindicated, the Department
14 shall ensure that an exit interview is conducted with every
15 child age 5 and over who leaves a foster home.

16 (1) The interview shall be conducted by a caseworker,
17 mental health provider, or clinician from the Department's
18 Division of Clinical Practice.

19 (2) The interview shall be conducted within 5 days of
20 the child's removal from the home.

21 (3) The interviewer shall comply with the provisions
22 of the Abused and Neglected Child Reporting Act if the
23 child discloses abuse or neglect as defined by that Act.

24 (4) The interviewer shall immediately inform the
25 licensing agency if the child discloses any information

1 that would constitute a potential licensing violation.

2 (5) Documentation of the interview shall be (i)
3 maintained in the foster parent's licensing file, (ii)
4 maintained in the child's case file, (iii) included in the
5 service plan for the child, and (iv) and provided to the
6 child's guardian ad litem and attorney appointed under
7 Section 2-17 of the Juvenile Court Act of 1987.

8 (6) The determination that an interview in compliance
9 with this Section is clinically contraindicated shall be
10 made by the caseworker, in consultation with the child's
11 mental health provider, if any, and the caseworker's
12 supervisor. If the child does not have a mental health
13 provider, the caseworker shall request a consultation with
14 the Department's Division of Clinical Practice regarding
15 whether an interview is clinically contraindicated. The
16 decision and the basis for the decision shall be
17 documented in writing and shall be (i) maintained in the
18 foster parent's licensing file, (ii) maintained in the
19 child's case file, and (iii) attached as part of the
20 service plan for the child.

21 (7) The information gathered during the interview
22 shall be dependent on the age and maturity of the child and
23 the circumstances of the child's removal. The
24 interviewer's observations and any information relevant to
25 understanding the child's responses shall be recorded on
26 the interview form. At a minimum, the interview shall

1 address the following areas:

2 (A) How the child's basic needs were met in the
3 home: who prepared food and was there sufficient food;
4 whether the child had appropriate clothing; sleeping
5 arrangements; supervision appropriate to the child's
6 age and special needs; was the child enrolled in
7 school; and did the child receive the support needed
8 to complete the child's ~~his or her~~ school work.

9 (B) Access to caseworker, therapist, or guardian
10 ad litem: whether the child was able to contact these
11 professionals and how.

12 (C) Safety and comfort in the home: how did the
13 child feel in the home; was the foster parent
14 affirming of the child's identity; did anything happen
15 that made the child happy; did anything happen that
16 was scary or sad; what happened when the child did
17 something the child ~~he or she~~ should not have done; if
18 relevant, how does the child think the foster parent
19 felt about the child's family of origin, including
20 parents and siblings; and was the foster parent
21 supportive of the permanency goal.

22 (D) Normalcy: whether the child felt included in
23 the family; whether the child participated in
24 extracurricular activities; whether the foster parent
25 participated in planning for the child, including
26 child and family team meetings and school meetings.

1 (b) The Department shall develop procedures, including an
2 interview form, no later than January 1, 2023, to implement
3 this Section.

4 (c) Beginning July 1, 2023 and quarterly thereafter, the
5 Department shall post on its webpage a report summarizing the
6 details of the exit interviews.

7 (Source: P.A. 102-763, eff. 1-1-23; revised 12-19-22.)

8 (20 ILCS 505/7) (from Ch. 23, par. 5007)

9 Sec. 7. Placement of children; considerations.

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

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

25 (b) In placing a child under this Act, the Department may

1 place a child with a relative if the Department determines
2 that the relative will be able to adequately provide for the
3 child's safety and welfare based on the factors set forth in
4 the Department's rules governing relative placements, and that
5 the placement is consistent with the child's best interests,
6 taking into consideration the factors set out in subsection
7 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

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

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

26 If, pursuant to the Department's rules, any person files

1 an administrative appeal of the Department's decision not to
2 place a child with a relative, it is the Department's burden to
3 prove that the decision is consistent with the child's best
4 interests.

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

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

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

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

1 visitation or transition plan, or both, and incorporate the
2 visitation or transition plan, or both, into the child's case
3 plan. For the purpose of this subsection, any determination as
4 to the child's best interests shall include consideration of
5 the factors set out in subsection (4.05) of Section 1-3 of the
6 Juvenile Court Act of 1987.

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

15 (1) murder;

16 (1.1) solicitation of murder;

17 (1.2) solicitation of murder for hire;

18 (1.3) intentional homicide of an unborn child;

19 (1.4) voluntary manslaughter of an unborn child;

20 (1.5) involuntary manslaughter;

21 (1.6) reckless homicide;

22 (1.7) concealment of a homicidal death;

23 (1.8) involuntary manslaughter of an unborn child;

24 (1.9) reckless homicide of an unborn child;

25 (1.10) drug-induced homicide;

26 (2) a sex offense under Article 11, except offenses

1 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
2 11-40, and 11-45;

3 (3) kidnapping;

4 (3.1) aggravated unlawful restraint;

5 (3.2) forcible detention;

6 (3.3) aiding and abetting child abduction;

7 (4) aggravated kidnapping;

8 (5) child abduction;

9 (6) aggravated battery of a child as described in
10 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

11 (7) criminal sexual assault;

12 (8) aggravated criminal sexual assault;

13 (8.1) predatory criminal sexual assault of a child;

14 (9) criminal sexual abuse;

15 (10) aggravated sexual abuse;

16 (11) heinous battery as described in Section 12-4.1 or
17 subdivision (a) (2) of Section 12-3.05;

18 (12) aggravated battery with a firearm as described in
19 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
20 (e) (4) of Section 12-3.05;

21 (13) tampering with food, drugs, or cosmetics;

22 (14) drug-induced infliction of great bodily harm as
23 described in Section 12-4.7 or subdivision (g) (1) of
24 Section 12-3.05;

25 (15) aggravated stalking;

26 (16) home invasion;

- 1 (17) vehicular invasion;
- 2 (18) criminal transmission of HIV;
- 3 (19) criminal abuse or neglect of an elderly person or
4 person with a disability as described in Section 12-21 or
5 subsection (b) of Section 12-4.4a;
- 6 (20) child abandonment;
- 7 (21) endangering the life or health of a child;
- 8 (22) ritual mutilation;
- 9 (23) ritualized abuse of a child;
- 10 (24) an offense in any other state the elements of
11 which are similar and bear a substantial relationship to
12 any of the foregoing offenses.

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

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

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

1 child, for whom the Department is legally responsible, with a
2 relative shall apply. By June 1, 2015, the Department shall
3 promulgate rules establishing criteria and standards for
4 placement, identification, and licensure of fictive kin.

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

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

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

18 The provisions added to this subsection (b) by Public Act
19 98-846 shall become operative on and after June 1, 2015.

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

1 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
2 1987.

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

23 (c-1) At the time of placement, the Department shall
24 consider concurrent planning, as described in subsection (1-1)
25 of Section 5, so that permanency may occur at the earliest
26 opportunity. Consideration should be given so that if

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

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

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

16 (Source: P.A. 99-143, eff. 7-27-15; 99-340, eff. 1-1-16;
17 99-642, eff. 7-28-16; 99-836, eff. 1-1-17; 100-101, eff.
18 8-11-17.)

19 (20 ILCS 505/7.3)

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

23 (1) A plan for recruiting minority adoptive and foster
24 families. The plan shall include strategies for using
25 existing resources in minority communities, use of

1 minority outreach staff whenever possible, use of minority
2 foster homes for placements after birth and before
3 adoption, and other techniques as appropriate.

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

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

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

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

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

25 (20 ILCS 505/7.3a)

1 Sec. 7.3a. Normalcy parenting for children in foster care;
2 participation in childhood activities.

3 (a) Legislative findings.

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

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

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

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

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

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

1 "Appropriate activities" means activities or items that
2 are generally accepted as suitable for children of the same
3 chronological age or developmental level of maturity.
4 Appropriateness is based on the development of cognitive,
5 emotional, physical, and behavioral capacity that is typical
6 for an age or age group, taking into account the individual
7 child's cognitive, emotional, physical, and behavioral
8 development.

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

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

21 (c) Requirements for decision-making.

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

1 fullest extent possible.

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

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

13 (B) the best interest of the child based on
14 information known by the caregiver;

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

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

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

25 (3) A caregiver is not liable for harm caused to a
26 child in out-of-home care who participates in an activity

1 approved by the caregiver, provided that the caregiver has
2 acted as a reasonable and prudent parent in permitting the
3 child to engage in the activity.

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

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

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

1 (Source: P.A. 102-70, eff. 1-1-22; 102-545, eff. 1-1-22;
2 102-813, eff. 5-13-22.)

3 (20 ILCS 505/7.4)

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

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

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

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

1 301.70 and Sibling Visitation, 89 Ill. Adm. ~~111. Admin.~~
2 Code 301.220, and the Department's rules regarding
3 Placement Selection Criteria, 89 Ill. Adm. ~~111. Admin.~~
4 Code 301.60.

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

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

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

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

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

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

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

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

16 (10) "Post Permanency Sibling Contact Agreement" means
17 a written agreement between the adoptive parent or
18 parents, the child, and the child's sibling regarding post
19 permanency contact between the adopted child and the
20 child's sibling, or a written agreement between the legal
21 guardians, the child, and the child's sibling regarding
22 post permanency contact between the child placed in
23 guardianship and the child's sibling. The Post Permanency
24 Sibling Contact Agreement may specify the nature and
25 frequency of contact between the adopted child or child
26 placed in guardianship and the child's sibling following

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

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

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

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

1 minimum:

2 (1) Recruitment, licensing, and support of foster
3 parents willing and capable of either fostering sibling
4 groups or supporting and being actively involved in
5 planning and executing sibling contact for siblings placed
6 apart. The rules shall address training for foster
7 parents, licensing workers, placement workers, and others
8 as deemed necessary.

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

14 (3) State-supported guidance to siblings who have aged
15 out of state care regarding positive engagement with
16 siblings.

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

26 (5) Services offered by the Department for children

1 who exited foster care prior to the availability of Post
2 Permanency Sibling Contact Agreements, to invite willing
3 parties to participate in a facilitated discussion,
4 including, but not limited to, a mediation or joint team
5 decision-making meeting, to explore sibling contact.

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

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

13 (1) This subsection applies when a child entering care
14 or requiring a change of placement has siblings who are in
15 the custody or guardianship of the Department. When a
16 child enters care or requires a new placement, the
17 Department shall examine its files and other available
18 resources and determine whether a sibling of that child is
19 in the custody or guardianship of the Department. If the
20 Department determines that a sibling is in its custody or
21 guardianship, the Department shall then determine whether
22 it is in the best interests of each of the siblings for the
23 child needing placement to be placed with the sibling. If
24 the Department determines that it is in the best interest
25 of each sibling to be placed together, and the sibling's
26 foster parent is able and willing to care for the child

1 needing placement, the Department shall place the child
2 needing placement with the sibling. A determination that
3 it is not in a child's best interest to be placed with a
4 sibling shall be made in accordance with Department rules,
5 and documented in the file of each sibling.

6 (2) This subsection applies when a child who is
7 entering care has siblings who have been adopted or placed
8 in private guardianship. When a child enters care, the
9 Department shall examine its files and other available
10 resources, including consulting with the child's parents,
11 to determine whether a sibling of the child was adopted or
12 placed in private guardianship from State care. The
13 Department shall determine, in consultation with the
14 child's parents, whether it would be in the child's best
15 interests to explore placement with the adopted sibling or
16 sibling in guardianship. Unless the parent objects, if the
17 Department determines it is in the child's best interest
18 to explore the placement, the Department shall contact the
19 adoptive parents or guardians of the sibling, determine
20 whether they are willing to be considered as placement
21 resources for the child, and, if so, determine whether it
22 is in the best interests of the child to be placed in the
23 home with the sibling. If the Department determines that
24 it is in the child's best interests to be placed in the
25 home with the sibling, and the sibling's adoptive parents
26 or guardians are willing and capable, the Department shall

1 make the placement. A determination that it is not in a
2 child's best interest to be placed with a sibling shall be
3 made in accordance with Department rule, and documented in
4 the child's file.

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

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

20 (f) When siblings in care are placed in separate
21 placements, the Department shall develop a Sibling Contact
22 Support Plan. The Department shall convene a meeting to
23 develop the Support Plan. The meeting shall include, at a
24 minimum, the case managers for the siblings, the foster
25 parents or other care providers if a child is in a non-foster
26 home placement and the child, when developmentally and

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

20 (g) By January 1, 2013, the Department shall develop a
21 registry so that placement information regarding adopted
22 siblings and siblings in private guardianship is readily
23 available to Department and private agency caseworkers
24 responsible for placing children in the Department's care.
25 When a child is adopted or placed in private guardianship from
26 foster care the Department shall inform the adoptive parents

1 or guardians that they may be contacted in the future
2 regarding placement of or contact with siblings subsequently
3 requiring placement.

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

1 relevant factors, including, but not limited to:

2 (1) the wishes of the child;

3 (2) the interaction and interrelationship of the child
4 with the applicant to adopt the child;

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

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

9 (5) the mental and physical health of all individuals
10 involved;

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

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

15 (8) a criminal background report of the applicant to
16 adopt the child.

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

25 (i) Post Permanency Sibling Contact Agreement. When a
26 child in the Department's care has a permanency goal of

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

13 (1) Parties to the Post Permanency Sibling Contact
14 Agreement shall include:

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

16 (B) The child's sibling or siblings, parents or
17 guardians.

18 (C) The child.

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

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

25 (A) the physical and emotional safety and welfare
26 of the child;

1 (B) the child's wishes;

2 (C) the interaction and interrelationship of the
3 child with the child's sibling or siblings who would
4 be visiting or communicating with the child,
5 including:

6 (i) the quality of the relationship between
7 the child and the sibling or siblings, and

8 (ii) the benefits and potential harms to the
9 child in allowing the relationship or
10 relationships to continue or in ending them;

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

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

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

15 (iii) continuity of affection for the child;

16 and

17 (E) other factors relevant to the best interest of
18 the child.

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

26 (A) the child's need for stability and continuity

1 of relationships with siblings, and

2 (B) the importance of sibling contact in the
3 development of the child's identity.

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

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

1 record and in the case file of siblings who are parties to
2 the agreement who are in the Department's custody or
3 guardianship.

4 (Source: P.A. 97-1076, eff. 8-24-12; 98-463, eff. 8-16-13;
5 revised 2-28-22.)

6 (20 ILCS 505/7.5)

7 (Text of Section before amendment by P.A. 102-825)

8 Sec. 7.5. Notice of post-adoption reunion services.

9 (a) For purposes of this Section, "post-adoption reunion
10 services" means services provided by the Department to
11 facilitate contact between adoptees and their siblings when
12 one or more is still in the Department's care or adopted
13 elsewhere, with the notarized consent of the adoptive parents
14 of a minor child, when such contact has been established to be
15 necessary to the adoptee's best interests and when all
16 involved parties, including the adoptive parent of a child
17 under 21 years of age, have provided written consent for such
18 contact.

19 (b) The Department shall provide to all adoptive parents
20 of children receiving monthly adoption assistance under
21 subsection (j) of Section 5 of this Act a notice that includes
22 a description of the Department's post-adoption reunion
23 services and an explanation of how to access those services.
24 The notice to adoptive parents shall be provided at least once
25 per year until such time as the adoption assistance payments

1 cease.

2 The Department shall also provide to all youth in care,
3 within 30 days after their 18th birthday, the notice described
4 in this Section.

5 (c) The Department shall adopt a rule regarding the
6 provision of search and reunion services to youth in care and
7 former youth in care.

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

9 (Text of Section after amendment by P.A. 102-825)

10 Sec. 7.5. Search and reunion services for youth in care
11 and former youth in care.

12 (a) For purposes of this Section, "search and reunion
13 services" means:

14 (1) services provided by the Department to facilitate
15 contact between adoptees and their siblings when one or
16 more is still in the Department's care or adopted
17 elsewhere, with the notarized consent of the adoptive
18 parents of a minor child, when such contact has been
19 established to be necessary to the adoptee's best
20 interests and when all involved parties, including the
21 adoptive parent of a former youth in care under 18 years of
22 age, have provided written consent for such contact;

23 (2) services provided by the Department to facilitate
24 contact between current or former youth in care, over the
25 age of 18, including, but not limited to, youth who were

1 adopted, to facilitate contact with siblings, birth
2 ~~biological~~ relatives, former foster parents, or former
3 foster siblings.

4 (b) The Department shall provide to all adoptive parents
5 of children receiving monthly adoption assistance under
6 subsection (j) of Section 5 of this Act a notice that includes
7 a description of the Department's post-adoption reunion
8 services and an explanation of how to access those services.
9 The notice to adoptive parents shall be provided at least once
10 per year until such time as the adoption assistance payments
11 cease.

12 (b-5) The Department shall provide a notice that includes
13 a description of the Department's search and reunion services
14 and an explanation of how to access those services to each
15 person who is a youth in care within 30 days after the youth's
16 18th birthday and within 30 days prior to closure of the
17 youth's case pending under Article II of the Juvenile Court
18 Act of 1987 if the case is closing after the youth's 18th
19 birthday. The Department shall work with organizations, such
20 as the Foster Care Alumni of America Illinois Chapter, that
21 have contact with foster care alumni, to distribute
22 information about the Department's search and reunion
23 services.

24 (c) The Department shall adopt a rule regarding the
25 provision of search and reunion services to youth in care and
26 former youth in care.

1 (Source: P.A. 102-825, eff. 7-1-23.)

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 State of Illinois High School
21 Diploma ~~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 to them, and receive the same benefits for maintenance and
21 other 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 State of Illinois High School
26 Diploma 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. 101-558, eff. 1-1-20; 102-1100, eff. 1-1-23;
22 revised 12-8-22.)

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

24 Sec. 8a. No otherwise qualified child with a disability
25 receiving special education and related services under Article

1 14 of The School Code shall solely by reason of the child's ~~his~~
2 ~~or her~~ disability be excluded from the participation in or be
3 denied the benefits of or be subjected to discrimination under
4 any program or activity provided by the Department.

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

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

15 (20 ILCS 505/8b) (from Ch. 23, par. 5008b)

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

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

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

24 Sec. 9.3. Declarations by Parents and Guardians.

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

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

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

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

1 until the required information is received.

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

3 (20 ILCS 505/9.5) (from Ch. 23, par. 5009.5)

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

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

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

24 (20 ILCS 505/17) (from Ch. 23, par. 5017)

1 Sec. 17. Youth and Community Services Program. The
2 Department of Human Services shall develop a State program for
3 youth and community services which will assure that youth who
4 come into contact or may come into contact with the child
5 welfare and the juvenile justice systems will have access to
6 needed community, prevention, diversion, emergency and
7 independent living services. The term "youth" means a person
8 under the age of 19 years. The term "homeless youth" means a
9 youth who cannot be reunited with the youth's ~~his or her~~ family
10 and is not in a safe and stable living situation. This Section
11 shall not be construed to require the Department of Human
12 Services to provide services under this Section to any
13 homeless youth who is at least 18 years of age but is younger
14 than 19 years of age; however, the Department may, in its
15 discretion, provide services under this Section to any such
16 homeless youth.

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

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

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

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

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

1 (5) develop program models aimed at strengthening the
2 relationships between youth and their families and aimed
3 at developing healthy, independent lives for homeless
4 youth;

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

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

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

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

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

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

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

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

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

26 (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

1 employee thereof, shall willfully swear or affirm falsely,
2 shall be guilty of perjury and upon conviction shall be
3 punished accordingly.

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

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

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

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

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

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

26 (2) Related training procedures.

1 (3) A standardized method for demonstration of
2 proficiency in application of the protocol.

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

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

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

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

1 shall ensure that the safety plan is reviewed and approved by
2 the child protection supervisor.

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

4 (20 ILCS 505/35.5)

5 Sec. 35.5. Inspector General.

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

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

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

1 shall coordinate the Inspector General's ~~his or her~~ activities
2 with the Bureau of Quality Assurance within the Department.

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

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

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

1 (f) Nothing in this Section shall limit investigations by
2 the Department of Children and Family Services that may
3 otherwise be required by law or that may be necessary in that
4 Department's capacity as the central administrative authority
5 for child welfare.

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

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

1 subjects of the reports and investigations. The summaries also
2 shall include detailed recommended administrative actions and
3 matters for consideration by the General Assembly.

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

5 (20 ILCS 505/35.6)

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

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

1 such reports.

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

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

2 (20 ILCS 505/35.9)

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

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

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

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

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

25 (4) whether visitation can be structured in a way to

1 minimize the child's exposure to conflicts between adult
2 family members.

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

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

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

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

23 (20 ILCS 510/510-25) (was 20 ILCS 510/65.5)

24 Sec. 510-25. Child Care Act of 1969; injunction. The

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

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

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

19 (20 ILCS 515/20)

20 Sec. 20. Reviews of child deaths.

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

24 (1) A youth in care.

1 (2) The subject of an open service case maintained by
2 the Department.

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

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

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

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

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

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

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

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

25 (4) Promote continuing education for professionals
26 involved in investigating, treating, and preventing child

1 abuse and neglect as a means of preventing child deaths
2 due to abuse or neglect.

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

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

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

1 discuss recommendations and the Department's responses.

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

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

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

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

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

24 (20 ILCS 520/1-5)

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

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

25 In order to successfully fulfill their role on the
26 professional child welfare team, foster parents must be

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

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

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

19 (20 ILCS 520/1-15)

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

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

25 (2) The right to be given standardized pre-service

1 training and appropriate ongoing training to meet mutually
2 assessed needs and improve the foster parent's skills.

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

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

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

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

1 licensing corrective action plan specifically explained
2 and tied to the licensing standards violated.

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

7 (7.5) The right to be given information concerning a
8 child (i) from the Department as required under subsection
9 (u) of Section 5 of the Children and Family Services Act
10 and (ii) from a child welfare agency as required under
11 subsection (c-5) of Section 7.4 of the Child Care Act of
12 1969.

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

1 therapists, physicians, attending health care
2 professionals, and teachers.

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

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

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

1 right to intervene in court proceedings or to seek
2 mandamus under the Juvenile Court Act of 1987.

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

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

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

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

21 (20 ILCS 520/1-20)

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

25 (1) The responsibility to openly communicate and share

1 information about the child with other members of the
2 child welfare team.

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

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

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

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

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

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

25 (8) The responsibility to develop and assist in
26 implementing strategies to prevent placement disruptions,

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

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

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

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

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

1 investigations of those allegations.

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

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

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

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

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

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

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

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

9 (20 ILCS 521/5)

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

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

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

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

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

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

1 (6) To contact family members, unless prohibited by
2 court order, and social workers, attorneys, foster youth
3 advocates and supporters, Court Appointed Special
4 Advocates (CASAs), and probation officers.

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

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

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

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

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

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

1 Section 2-27.1 of the Juvenile Court Act of 1987.

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

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

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

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

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

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

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

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

1 to the case plan.

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

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

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

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

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

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

1 programs, and information regarding financial aid for
2 postsecondary education.

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

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

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

16 (30) To participate in an age and developmentally
17 appropriate intake process immediately after placement in
18 the custody or guardianship of the Department. During the
19 intake process, the Department shall provide the youth
20 with a document describing inappropriate acts of
21 affection, discipline, and punishment by guardians, foster
22 parents, foster siblings, or any other adult responsible
23 for the youth's welfare. The Department shall review and
24 discuss the document with the child. The Department must
25 document completion of the intake process in the child's
26 records as well as giving a copy of the document to the

1 child.

2 (31) To participate in appropriate intervention and
3 counseling services after removal from the home of origin
4 in order to assess whether the youth is exhibiting signs
5 of traumatic stress, special needs, or mental illness.

6 (32) To receive a home visit by an assigned child
7 welfare specialist, per existing Department policies and
8 procedures, on a monthly basis or more frequently as
9 needed. In addition to what existing policies and
10 procedures outline, home visits shall be used to assess
11 the youth's well-being and emotional health following
12 placement, to determine the youth's relationship with the
13 youth's guardian or foster parent or with any other adult
14 responsible for the youth's welfare or living in or
15 frequenting the home environment, and to determine what
16 forms of discipline, if any, the youth's guardian or
17 foster parent or any other person in the home environment
18 uses to correct the youth.

19 (33) To be enrolled in an independent living services
20 program prior to transitioning out of foster care where
21 the youth will receive classes and instruction,
22 appropriate to the youth's age and developmental capacity,
23 on independent living and self-sufficiency in the areas of
24 employment, finances, meals, and housing as well as help
25 in developing life skills and long-term goals.

26 (34) To be assessed by a third-party entity or agency

1 prior to enrollment in any independent living services
2 program in order to determine the youth's readiness for a
3 transition out of foster care based on the youth's
4 individual needs, emotional development, and ability,
5 regardless of age, to make a successful transition to
6 adulthood.

7 (Source: P.A. 102-810, eff. 1-1-23.)

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

10 (20 ILCS 525/5-10)

11 Sec. 5-10. Membership.

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

14 (1) 2 foster parents from the Department's southern
15 and northern administrative regions; 3 foster parents from
16 the Department's central administrative region; and 2
17 foster parents from each of the Department's Cook County
18 administrative regions. One of the 6 foster parents
19 representing the Cook County administrative regions shall
20 be the current President of the Cook County Foster Parent
21 Advisory Committee;

22 (2) 2 foster parents representing the Department's
23 Child Welfare Advisory Committee, with at least one foster
24 parent residing in Cook County;

1 (3) 2 foster care professionals representing the
2 Department's Child Welfare Advisory Committee to represent
3 agencies providing foster care services under contract to
4 the Department;

5 (4) the current president of the Illinois Foster
6 Parent Association; and

7 (5) 4 other non-Department persons with recognized
8 expertise regarding foster care who shall be nominated by
9 the Director of the Department ("the Director").

10 Each Administrator of the Department's specified
11 administrative regions shall make recommendations of foster
12 parents for appointment as members to the Director. The
13 recommendations of the Regional Administrator shall be based
14 upon consultation by the Regional Administrator with organized
15 foster parent groups and Department staff.

16 All appointments to the Council shall be made in writing
17 by the Director. In soliciting and making appointments, the
18 Director shall make all reasonable efforts to ensure the
19 membership of the Council is culturally diverse and
20 representative and also geographically representative of the
21 Department's administrative regions.

22 (b) Each member shall be appointed for a term of 3 years.
23 No member shall be appointed to more than 2 terms, except the
24 President of the Illinois Foster Parent Association and the
25 President of the Cook County Foster Parent Association may
26 serve as long as the member ~~he or she~~ holds office. Members

1 shall continue to serve until their successors are appointed.
2 The terms of original members and of members subsequently
3 appointed to fill vacancies created by a change in the number
4 of the Council's members shall be determined to assure as
5 nearly as possible that the terms of one-third of the members
6 in each sector expire each year on June 30th. The original
7 members in each sector shall determine by lot the length of
8 each member's term, one-third to be for 3 years, one-third to
9 be for 2 years, and one-third to be for one year, and the
10 Council's secretary shall record the results. Thereafter, any
11 member appointed to fill a vacancy other than one created by
12 the expiration of a regular 3 year term shall be appointed for
13 the unexpired term of the predecessor member, or in the case of
14 new memberships created by change in number of members, for
15 such term as is appropriate under this subsection.

16 (c) Members of the Advisory Council shall serve without
17 compensation, except that the Department shall reimburse
18 members for travel and per diem expenses associated with
19 participation in Advisory Council meetings and activities.
20 Reimbursement shall be consistent with Illinois Department of
21 Central Management Services rules, as approved by the
22 Governor's Travel Control Board.

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

24 Section 35. The Department of Children and Family Services
25 Statewide Youth Advisory Board Act is amended by changing

1 Section 15 as follows:

2 (20 ILCS 527/15)

3 Sec. 15. Meetings.

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

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

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

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

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

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

19 (45 ILCS 17/5-35)

20 Sec. 5-35. Medical assistance.

21 (a) A child with special needs who resides in this State
22 and who is the subject of an adoption assistance agreement
23 with another state shall be eligible for medical assistance

1 from this State under Article V of the Illinois Public Aid Code
2 upon the filing of agreed documentation obtained from the
3 assistance state and filed with the Department of Healthcare
4 and Family Services. The Department of Children and Family
5 Services shall be required at least annually to establish that
6 the agreement is still in force or has been renewed.

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

22 (c) The submission of any claim for payment or
23 reimbursement for services or benefits pursuant to this
24 Section or the making of any statement in connection
25 therewith, which claim or statement the maker knows or should
26 know to be false, misleading, or fraudulent, shall be

1 punishable as perjury and shall also be subject to a fine not
2 to exceed \$10,000 or imprisonment for not to exceed 2 years, or
3 both.

4 (d) The provisions of this Section shall apply only to
5 medical assistance for children under adoption assistance
6 agreements from states that have entered into a compact with
7 this State under which the other state provided medical
8 assistance to children with special needs under adoption
9 assistance agreements made by this State.

10 (e) The Illinois Department of Children and Family
11 Services and the Department of Healthcare and Family Services
12 may adopt all rules necessary to implement this Section.

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

14 Section 45. The Child Care Act of 1969 is amended by
15 changing Sections 2.24, 3.3, 4.1, 4.2, 5.1, 5.3, 7, 7.2, 7.3,
16 7.4, 7.6, 7.7, 9, 9.1b, 12, 14.5, 14.7, and 18 as follows:

17 (225 ILCS 10/2.24)

18 Sec. 2.24. "Adoption services" includes any one or more of
19 the following services performed for any type of compensation
20 or thing of value, directly or indirectly: (i) arranging for
21 the placement of or placing out a child, (ii) identifying a
22 child for adoption, (iii) matching adoptive parents with birth
23 ~~biological~~ parents, (iv) arranging or facilitating an
24 adoption, (v) taking or acknowledging consents or surrenders

1 for termination of parental rights for purposes of adoption,
2 as defined in the Adoption Act, (vi) performing background
3 studies on a child or adoptive parents, (vii) making
4 determinations of the best interests of a child and the
5 appropriateness of adoptive placement for the child, or (viii)
6 post-placement monitoring of a child prior to adoption.

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

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

20 (225 ILCS 10/3.3)

21 Sec. 3.3. Requirements for criminal background checks for
22 adoption-only homes. In approving an adoption-only home
23 pursuant to Section 3.2 of this Act, if an adult resident has
24 an arrest or conviction record, the licensed child welfare
25 agency:

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

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

17 (3) shall not approve the home if the record reveals a
18 felony conviction within the last 5 years, including, but
19 not limited to, for physical assault, battery,
20 drug-related offenses, or spousal abuse; and

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

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

24 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

25 Sec. 4.1. Criminal Background Investigations. The

1 Department shall require that each child care facility license
2 applicant as part of the application process, and each
3 employee and volunteer of a child care facility or
4 non-licensed service provider, as a condition of employment,
5 authorize an investigation to determine if such applicant,
6 employee, or volunteer has ever been charged with a crime and
7 if so, the disposition of those charges; this authorization
8 shall indicate the scope of the inquiry and the agencies which
9 may be contacted. Upon this authorization, the Director shall
10 request and receive information and assistance from any
11 federal, State or local governmental agency as part of the
12 authorized investigation. Each applicant, employee, or
13 volunteer of a child care facility or non-licensed service
14 provider shall submit the applicant's, employee's, or
15 volunteer's ~~his or her~~ fingerprints to the Illinois State
16 Police in the form and manner prescribed by the Illinois State
17 Police. These fingerprints shall be checked against the
18 fingerprint records now and hereafter filed in the Illinois
19 State Police and Federal Bureau of Investigation criminal
20 history records databases. The Illinois State Police shall
21 charge a fee for conducting the criminal history records
22 check, which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the records check.
24 The Illinois State Police shall provide information concerning
25 any criminal charges, and their disposition, now or hereafter
26 filed, against an applicant, employee, or volunteer of a child

1 care facility or non-licensed service provider upon request of
2 the Department of Children and Family Services when the
3 request is made in the form and manner required by the Illinois
4 State Police.

5 Information concerning convictions of a license applicant,
6 employee, or volunteer of a child care facility or
7 non-licensed service provider investigated under this Section,
8 including the source of the information and any conclusions or
9 recommendations derived from the information, shall be
10 provided, upon request, to such applicant, employee, or
11 volunteer of a child care facility or non-licensed service
12 provider prior to final action by the Department on the
13 application. State conviction information provided by the
14 Illinois State Police regarding employees, prospective
15 employees, or volunteers of non-licensed service providers and
16 child care facilities licensed under this Act shall be
17 provided to the operator of such facility, and, upon request,
18 to the employee, prospective employee, or volunteer of a child
19 care facility or non-licensed service provider. Any
20 information concerning criminal charges and the disposition of
21 such charges obtained by the Department shall be confidential
22 and may not be transmitted outside the Department, except as
23 required herein, and may not be transmitted to anyone within
24 the Department except as needed for the purpose of evaluating
25 an application or an employee or volunteer of a child care
26 facility or non-licensed service provider. Only information

1 and standards which bear a reasonable and rational relation to
2 the performance of a child care facility shall be used by the
3 Department or any licensee. Any employee of the Department of
4 Children and Family Services, Illinois State Police, or a
5 child care facility receiving confidential information under
6 this Section who gives or causes to be given any confidential
7 information concerning any criminal convictions of an
8 applicant, employee, or volunteer of a child care facility or
9 non-licensed service provider, shall be guilty of a Class A
10 misdemeanor unless release of such information is authorized
11 by this Section.

12 A child care facility may hire, on a probationary basis,
13 any employee or volunteer of a child care facility or
14 non-licensed service provider authorizing a criminal
15 background investigation under this Section, pending the
16 result of such investigation. Employees and volunteers of a
17 child care facility or non-licensed service provider shall be
18 notified prior to hiring that such employment may be
19 terminated on the basis of criminal background information
20 obtained by the facility.

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

22 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

23 Sec. 4.2. (a) No applicant may receive a license from the
24 Department and no person may be employed by a licensed child
25 care facility who refuses to authorize an investigation as

1 required by Section 4.1.

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

12 (1) murder;

13 (1.1) solicitation of murder;

14 (1.2) solicitation of murder for hire;

15 (1.3) intentional homicide of an unborn child;

16 (1.4) voluntary manslaughter of an unborn child;

17 (1.5) involuntary manslaughter;

18 (1.6) reckless homicide;

19 (1.7) concealment of a homicidal death;

20 (1.8) involuntary manslaughter of an unborn child;

21 (1.9) reckless homicide of an unborn child;

22 (1.10) drug-induced homicide;

23 (2) a sex offense under Article 11, except offenses
24 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
25 11-40, and 11-45;

26 (3) kidnapping;

- 1 (3.1) aggravated unlawful restraint;
- 2 (3.2) forcible detention;
- 3 (3.3) harboring a runaway;
- 4 (3.4) 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) hate crime;
- 24 (16) stalking;
- 25 (17) aggravated stalking;
- 26 (18) threatening public officials;

- 1 (19) home invasion;
- 2 (20) vehicular invasion;
- 3 (21) criminal transmission of HIV;
- 4 (22) criminal abuse or neglect of an elderly person or
- 5 person with a disability as described in Section 12-21 or
- 6 subsection (e) of Section 12-4.4a;
- 7 (23) child abandonment;
- 8 (24) endangering the life or health of a child;
- 9 (25) ritual mutilation;
- 10 (26) ritualized abuse of a child;
- 11 (27) an offense in any other jurisdiction the elements
- 12 of which are similar and bear a substantial relationship
- 13 to any of the foregoing offenses.

14 (b-1) In addition to the other provisions of this Section,

15 beginning January 1, 2004, no new applicant and, on the date of

16 licensure renewal, no current licensee may operate or receive

17 a license from the Department to operate, no person may be

18 employed by, and no adult person may reside in a child care

19 facility licensed by the Department who has been convicted of

20 committing or attempting to commit any of the following

21 offenses or an offense in any other jurisdiction the elements

22 of which are similar and bear a substantial relationship to

23 any of the following offenses:

24

(I) BODILY HARM

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

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

- 15 (1) Felony unlawful use of weapons.
- 16 (2) Aggravated discharge of a firearm.
- 17 (3) Reckless discharge of a firearm.
- 18 (4) Unlawful use of metal piercing bullets.
- 19 (5) Unlawful sale or delivery of firearms on the
- 20 premises of any school.
- 21 (6) Disarming a police officer.
- 22 (7) Obstructing justice.
- 23 (8) Concealing or aiding a fugitive.
- 24 (9) Armed violence.

1 (10) Felony contributing to the criminal delinquency
 2 of a juvenile.

3 (III) DRUG OFFENSES

4 (1) Possession of more than 30 grams of cannabis.

5 (2) Manufacture of more than 10 grams of cannabis.

6 (3) Cannabis trafficking.

7 (4) Delivery of cannabis on school grounds.

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

10 (6) Calculated criminal cannabis conspiracy.

11 (7) Unauthorized manufacture or delivery of controlled
 12 substances.

13 (8) Controlled substance trafficking.

14 (9) Manufacture, distribution, or advertisement of
 15 look-alike substances.

16 (10) Calculated criminal drug conspiracy.

17 (11) Street gang criminal drug conspiracy.

18 (12) Permitting unlawful use of a building.

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

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

1 (15) Delivery of controlled substances.

2 (16) Sale or delivery of drug paraphernalia.

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

6 (18) Felony possession of a controlled substance.

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

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

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

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

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

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

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

26 (6) computer fraud under Section 17-50 of the Criminal

1 Code of 1961 or the Criminal Code of 2012;

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

4 (8) forgery under Section 17-3 of the Criminal Code of
5 1961 or the Criminal Code of 2012;

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

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

10 (11) theft under paragraphs (1.1) through (11) of
11 subsection (b) of Section 16-1 of the Criminal Code of
12 1961 or the Criminal Code of 2012.

13 (b-2) Notwithstanding subsection (b-1), the Department may
14 make an exception and, for child care facilities other than
15 foster family homes, issue a new child care facility license
16 to or renew the existing child care facility license of an
17 applicant, a person employed by a child care facility, or an
18 applicant who has an adult residing in a home child care
19 facility who was convicted of an offense described in
20 subsection (b-1), provided that all of the following
21 requirements are met:

22 (1) The relevant criminal offense occurred more than 5
23 years prior to the date of application or renewal, except
24 for drug offenses. The relevant drug offense must have
25 occurred more than 10 years prior to the date of
26 application or renewal, unless the applicant passed a drug

1 test, arranged and paid for by the child care facility, no
2 less than 5 years after the offense.

3 (2) The Department must conduct a background check and
4 assess all convictions and recommendations of the child
5 care facility to determine if hiring or licensing the
6 applicant is in accordance with Department administrative
7 rules and procedures.

8 (3) The applicant meets all other requirements and
9 qualifications to be licensed as the pertinent type of
10 child care facility under this Act and the Department's
11 administrative rules.

12 (c) In addition to the other provisions of this Section,
13 no applicant may receive a license from the Department to
14 operate a foster family home, and no adult person may reside in
15 a foster family home licensed by the Department, who has been
16 convicted of committing or attempting to commit any of the
17 following offenses stipulated under the Criminal Code of 1961,
18 the Criminal Code of 2012, the Cannabis Control Act, the
19 Methamphetamine Control and Community Protection Act, and the
20 Illinois Controlled Substances Act:

21 (I) OFFENSES DIRECTED AGAINST THE PERSON

22 (A) KIDNAPPING AND RELATED OFFENSES

23 (1) Unlawful restraint.

1 (B) BODILY HARM

2 (2) Felony aggravated assault.

3 (3) Vehicular endangerment.

4 (4) Felony domestic battery.

5 (5) Aggravated battery.

6 (6) Heinous battery.

7 (7) Aggravated battery with a firearm.

8 (8) Aggravated battery of an unborn child.

9 (9) Aggravated battery of a senior citizen.

10 (10) Intimidation.

11 (11) Compelling organization membership of persons.

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

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

15 (II) OFFENSES DIRECTED AGAINST PROPERTY

16 (14) Felony theft.

17 (15) Robbery.

18 (16) Armed robbery.

19 (17) Aggravated robbery.

20 (18) Vehicular hijacking.

21 (19) Aggravated vehicular hijacking.

22 (20) Burglary.

23 (21) Possession of burglary tools.

24 (22) Residential burglary.

1 (23) Criminal fortification of a residence or
2 building.

3 (24) Arson.

4 (25) Aggravated arson.

5 (26) Possession of explosive or explosive incendiary
6 devices.

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

8 (27) Felony unlawful use of weapons.

9 (28) Aggravated discharge of a firearm.

10 (29) Reckless discharge of a firearm.

11 (30) Unlawful use of metal piercing bullets.

12 (31) Unlawful sale or delivery of firearms on the
13 premises of any school.

14 (32) Disarming a police officer.

15 (33) Obstructing justice.

16 (34) Concealing or aiding a fugitive.

17 (35) Armed violence.

18 (36) Felony contributing to the criminal delinquency
19 of a juvenile.

20 (IV) DRUG OFFENSES

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

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

1 (39) Cannabis trafficking.

2 (40) Delivery of cannabis on school grounds.

3 (41) Unauthorized production of more than 5 cannabis
4 sativa plants.

5 (42) Calculated criminal cannabis conspiracy.

6 (43) Unauthorized manufacture or delivery of
7 controlled substances.

8 (44) Controlled substance trafficking.

9 (45) Manufacture, distribution, or advertisement of
10 look-alike substances.

11 (46) Calculated criminal drug conspiracy.

12 (46.5) Streetgang criminal drug conspiracy.

13 (47) Permitting unlawful use of a building.

14 (48) Delivery of controlled, counterfeit, or
15 look-alike substances to persons under age 18, or at truck
16 stops, rest stops, or safety rest areas, or on school
17 property.

18 (49) Using, engaging, or employing persons under 18 to
19 deliver controlled, counterfeit, or look-alike substances.

20 (50) Delivery of controlled substances.

21 (51) Sale or delivery of drug paraphernalia.

22 (52) Felony possession, sale, or exchange of
23 instruments adapted for use of a controlled substance,
24 methamphetamine, or cannabis by subcutaneous injection.

25 (53) Any violation of the Methamphetamine Control and
26 Community Protection Act.

1 (d) Notwithstanding subsection (c), the Department may
2 make an exception and issue a new foster family home license or
3 may renew an existing foster family home license of an
4 applicant who was convicted of an offense described in
5 subsection (c), provided all of the following requirements are
6 met:

7 (1) The relevant criminal offense or offenses occurred
8 more than 10 years prior to the date of application or
9 renewal.

10 (2) The applicant had previously disclosed the
11 conviction or convictions to the Department for purposes
12 of a background check.

13 (3) After the disclosure, the Department either placed
14 a child in the home or the foster family home license was
15 issued.

16 (4) During the background check, the Department had
17 assessed and waived the conviction in compliance with the
18 existing statutes and rules in effect at the time of the
19 hire or licensure.

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

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

26 (e) In evaluating the exception pursuant to subsections

1 (b-2) and (d), the Department must carefully review any
2 relevant documents to determine whether the applicant, despite
3 the disqualifying convictions, poses a substantial risk to
4 State resources or clients. In making such a determination,
5 the following guidelines shall be used:

6 (1) the age of the applicant when the offense was
7 committed;

8 (2) the circumstances surrounding the offense;

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

10 (4) the specific duties and responsibilities
11 necessarily related to the license being applied for and
12 the bearing, if any, that the applicant's conviction
13 history may have on the applicant's ~~his or her~~ fitness to
14 perform these duties and responsibilities;

15 (5) the applicant's employment references;

16 (6) the applicant's character references and any
17 certificates of achievement;

18 (7) an academic transcript showing educational
19 attainment since the disqualifying conviction;

20 (8) a Certificate of Relief from Disabilities or
21 Certificate of Good Conduct; and

22 (9) anything else that speaks to the applicant's
23 character.

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

25 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

1 (Text of Section before amendment by P.A. 102-982)

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

7 1. is 21 years of age or older;

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

12 3. demonstrates physical fitness to operate vehicles
13 by submitting the results of a medical examination
14 conducted by a licensed physician;

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

18 5. has not been convicted of reckless driving or
19 driving under the influence or manslaughter or reckless
20 homicide resulting from the operation of a motor vehicle
21 within the past 3 years;

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

1 However, such day care centers, group homes and child care
2 institutions may provide for transportation of a child or
3 children for special outings, functions or purposes that are
4 not scheduled on a regular basis without verification that
5 drivers for such purposes meet the requirements of this
6 Section.

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

12 For every person ~~individual~~ employed at a group home or
13 child care institution who regularly transports children in
14 the course of performing the person's ~~his or her~~ duties, the
15 Department must make the verification every 2 years. Upon the
16 Department's request, the Secretary of State shall provide the
17 Department with the information necessary to enable the
18 Department to make the verifications required under subsection
19 (a).

20 In the case of an individual employed at a group home or
21 child care institution who becomes subject to subsection (a)
22 for the first time after the effective date of this amendatory
23 Act of the 94th General Assembly, the Department must make
24 that verification with the Secretary of State before the
25 individual operates a motor vehicle to transport a child or
26 children under the circumstances described in subsection (a).

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

6 If the Department discovers that an individual fails to
7 meet the requirements set forth in subsection (a), the
8 Department shall promptly notify the appropriate group home or
9 child care institution.

10 (b) Any individual who holds a valid Illinois school bus
11 driver permit issued by the Secretary of State pursuant to The
12 Illinois Vehicle Code, and who is currently employed by a
13 school district or parochial school, or by a contractor with a
14 school district or parochial school, to drive a school bus
15 transporting children to and from school, shall be deemed in
16 compliance with the requirements of subsection (a).

17 (c) The Department may, pursuant to Section 8 of this Act,
18 revoke the license of any day care center, group home or child
19 care institution that fails to meet the requirements of this
20 Section.

21 (d) A group home or child care institution that fails to
22 meet the requirements of this Section is guilty of a petty
23 offense and is subject to a fine of not more than \$1,000. Each
24 day that a group home or child care institution fails to meet
25 the requirements of this Section is a separate offense.

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

1 (Text of Section after amendment by P.A. 102-982)

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

7 1. is 21 years of age or older;

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

12 3. demonstrates physical fitness to operate vehicles
13 by submitting the results of a medical examination
14 conducted by a licensed physician;

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

18 5. has not been convicted of reckless driving or
19 driving under the influence or manslaughter or reckless
20 homicide resulting from the operation of a motor vehicle
21 within the past 3 years;

22 6. has signed and submitted a written statement
23 certifying that the person ~~he~~ has not, through the
24 unlawful operation of a motor vehicle, caused a crash
25 which resulted in the death of any person within the 5

1 years immediately prior to the date of application.

2 However, such day care centers, group homes and child care
3 institutions may provide for transportation of a child or
4 children for special outings, functions or purposes that are
5 not scheduled on a regular basis without verification that
6 drivers for such purposes meet the requirements of this
7 Section.

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

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

21 In the case of an individual employed at a group home or
22 child care institution who becomes subject to subsection (a)
23 for the first time after the effective date of this amendatory
24 Act of the 94th General Assembly, the Department must make
25 that verification with the Secretary of State before the
26 individual operates a motor vehicle to transport a child or

1 children under the circumstances described in subsection (a).

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

7 If the Department discovers that an individual fails to
8 meet the requirements set forth in subsection (a), the
9 Department shall promptly notify the appropriate group home or
10 child care institution.

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

18 (c) The Department may, pursuant to Section 8 of this Act,
19 revoke the license of any day care center, group home or child
20 care institution that fails to meet the requirements of this
21 Section.

22 (d) A group home or child care institution that fails to
23 meet the requirements of this Section is guilty of a petty
24 offense and is subject to a fine of not more than \$1,000. Each
25 day that a group home or child care institution fails to meet
26 the requirements of this Section is a separate offense.

1 (Source: P.A. 102-982, eff. 7-1-23.)

2 (225 ILCS 10/5.3)

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

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

9 (225 ILCS 10/7) (from Ch. 23, par. 2217)

10 Sec. 7. (a) The Department must prescribe and publish
11 minimum standards for licensing that apply to the various
12 types of facilities for child care defined in this Act and that
13 are equally applicable to like institutions under the control
14 of the Department and to foster family homes used by and under
15 the direct supervision of the Department. The Department shall
16 seek the advice and assistance of persons representative of
17 the various types of child care facilities in establishing
18 such standards. The standards prescribed and published under
19 this Act take effect as provided in the Illinois
20 Administrative Procedure Act, and are restricted to
21 regulations pertaining to the following matters and to any
22 rules and regulations required or permitted by any other
23 Section of this Act:

24 (1) The operation and conduct of the facility and

1 responsibility it assumes for child care;

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

10 (3) The general financial ability and competence of
11 the applicant to provide necessary care for children and
12 to maintain prescribed standards;

13 (4) The number of individuals or staff required to
14 insure adequate supervision and care of the children
15 received. The standards shall provide that each child care
16 institution, maternity center, day care center, group
17 home, day care home, and group day care home shall have on
18 its premises during its hours of operation at least one
19 staff member certified in first aid, in the Heimlich
20 maneuver and in cardiopulmonary resuscitation by the
21 American Red Cross or other organization approved by rule
22 of the Department. Child welfare agencies shall not be
23 subject to such a staffing requirement. The Department may
24 offer, or arrange for the offering, on a periodic basis in
25 each community in this State in cooperation with the
26 American Red Cross, the American Heart Association or

1 other appropriate organization, voluntary programs to
2 train operators of foster family homes and day care homes
3 in first aid and cardiopulmonary resuscitation;

4 (5) The appropriateness, safety, cleanliness, and
5 general adequacy of the premises, including maintenance of
6 adequate fire prevention and health standards conforming
7 to State laws and municipal codes to provide for the
8 physical comfort, care, and well-being of children
9 received;

10 (6) Provisions for food, clothing, educational
11 opportunities, program, equipment and individual supplies
12 to assure the healthy physical, mental, and spiritual
13 development of children served;

14 (7) Provisions to safeguard the legal rights of
15 children served;

16 (8) Maintenance of records pertaining to the
17 admission, progress, health, and discharge of children,
18 including, for day care centers and day care homes,
19 records indicating each child has been immunized as
20 required by State regulations. The Department shall
21 require proof that children enrolled in a facility have
22 been immunized against Haemophilus Influenzae B (HIB);

23 (9) Filing of reports with the Department;

24 (10) Discipline of children;

25 (11) Protection and fostering of the particular
26 religious faith of the children served;

1 (12) Provisions prohibiting firearms on day care
2 center premises except in the possession of peace
3 officers;

4 (13) Provisions prohibiting handguns on day care home
5 premises except in the possession of peace officers or
6 other adults who must possess a handgun as a condition of
7 employment and who reside on the premises of a day care
8 home;

9 (14) Provisions requiring that any firearm permitted
10 on day care home premises, except handguns in the
11 possession of peace officers, shall be kept in a
12 disassembled state, without ammunition, in locked storage,
13 inaccessible to children and that ammunition permitted on
14 day care home premises shall be kept in locked storage
15 separate from that of disassembled firearms, inaccessible
16 to children;

17 (15) Provisions requiring notification of parents or
18 guardians enrolling children at a day care home of the
19 presence in the day care home of any firearms and
20 ammunition and of the arrangements for the separate,
21 locked storage of such firearms and ammunition;

22 (16) Provisions requiring all licensed child care
23 facility employees who care for newborns and infants to
24 complete training every 3 years on the nature of sudden
25 unexpected infant death (SUID), sudden infant death
26 syndrome (SIDS), and the safe sleep recommendations of the

1 American Academy of Pediatrics; and

2 (17) With respect to foster family homes, provisions
3 requiring the Department to review quality of care
4 concerns and to consider those concerns in determining
5 whether a foster family home is qualified to care for
6 children.

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

17 (b) If, in a facility for general child care, there are
18 children diagnosed as mentally ill or children diagnosed as
19 having an intellectual or physical disability, who are
20 determined to be in need of special mental treatment or of
21 nursing care, or both mental treatment and nursing care, the
22 Department shall seek the advice and recommendation of the
23 Department of Human Services, the Department of Public Health,
24 or both Departments regarding the residential treatment and
25 nursing care provided by the institution.

26 (c) The Department shall investigate any person applying

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

14 (d) The Department, in applying standards prescribed and
15 published, as herein provided, shall offer consultation
16 through employed staff or other qualified persons to assist
17 applicants and licensees in meeting and maintaining minimum
18 requirements for a license and to help them otherwise to
19 achieve programs of excellence related to the care of children
20 served. Such consultation shall include providing information
21 concerning education and training in early childhood
22 development to providers of day care home services. The
23 Department may provide or arrange for such education and
24 training for those providers who request such assistance.

25 (e) The Department shall distribute copies of licensing
26 standards to all licensees and applicants for a license. Each

1 licensee or holder of a permit shall distribute copies of the
2 appropriate licensing standards and any other information
3 required by the Department to child care facilities under its
4 supervision. Each licensee or holder of a permit shall
5 maintain appropriate documentation of the distribution of the
6 standards. Such documentation shall be part of the records of
7 the facility and subject to inspection by authorized
8 representatives of the Department.

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

20 (g) The Department shall distribute to each licensee and
21 holder of a permit copies of the licensing or permit standards
22 applicable to such person's facility. Each licensee or holder
23 of a permit shall make available by posting at all times in a
24 common or otherwise accessible area a complete and current set
25 of licensing standards in order that all employees of the
26 facility may have unrestricted access to such standards. All

1 employees of the facility shall have reviewed the standards
2 and any subsequent changes. Each licensee or holder of a
3 permit shall maintain appropriate documentation of the current
4 review of licensing standards by all employees. Such records
5 shall be part of the records of the facility and subject to
6 inspection by authorized representatives of the Department.

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

14 (i) The Department, in cooperation with the Department of
15 Public Health, shall work to increase immunization awareness
16 and participation among parents of children enrolled in day
17 care centers and day care homes by publishing on the
18 Department's website information about the benefits of
19 immunization against vaccine preventable diseases, including
20 influenza and pertussis. The information for vaccine
21 preventable diseases shall include the incidence and severity
22 of the diseases, the availability of vaccines, and the
23 importance of immunizing children and persons who frequently
24 have close contact with children. The website content shall be
25 reviewed annually in collaboration with the Department of
26 Public Health to reflect the most current recommendations of

1 the Advisory Committee on Immunization Practices (ACIP). The
2 Department shall work with day care centers and day care homes
3 licensed under this Act to ensure that the information is
4 annually distributed to parents in August or September.

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

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

14 (225 ILCS 10/7.2) (from Ch. 23, par. 2217.2)

15 Sec. 7.2. Employer discrimination. (a) For purposes of
16 this Section, "employer" means a licensee or holder of a
17 permit subject to this Act. "Employee" means an employee of
18 such an employer.

19 (b) No employer shall discharge, demote or suspend, or
20 threaten to discharge, demote or suspend, or in any manner
21 discriminate against any employee who:

22 (1) Makes any good faith oral or written complaint of any
23 employer's violation of any licensing or other laws (including
24 but not limited to laws concerning child abuse or the
25 transportation of children) which may result in closure of the

1 facility pursuant to Section 11.2 of this Act to the
2 Department or other agency having statutory responsibility for
3 the enforcement of such laws or to the employer or
4 representative of the employer;

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

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

13 (4) Refuses to perform work in violation of a licensing or
14 other law or regulation after notifying the employer of the
15 violation.

16 (c)(1) A claim by an employee alleging an employer's
17 violation of subsection (b) of this Section shall be presented
18 to the employer within 30 days after the date of the action
19 complained of and shall be filed with the Department of Labor
20 within 60 days after the date of the action complained of.

21 (2) Upon receipt of the complaint, the Department of Labor
22 shall conduct whatever investigation it deems appropriate, and
23 may hold a hearing. After investigation or hearing, the
24 Department of Labor shall determine whether the employer has
25 violated subsection (b) of this Section and it shall notify
26 the employer and the employee of its determination.

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

11 (d) Except for any grievance procedure, arbitration or
12 hearing which is available to the employee pursuant to a
13 collective bargaining agreement, this Section shall be the
14 exclusive remedy for an employee complaining of any action
15 described in subsection (b).

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

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

22 (225 ILCS 10/7.3)

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

24 (a) Before placing a child who is a youth in care in a
25 foster family home, a private child welfare agency must

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

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

20 (c) The Department must periodically (but no less often
21 than once every 6 months) review the child placement records
22 of each private child welfare agency that places youth in
23 care.

24 (d) If a child placed in a foster family home is missing,
25 the foster parent must promptly report that fact to the
26 Department or to the child welfare agency that placed the

1 child in the home. If the foster parent fails to make such a
2 report, the Department shall put the home on hold for the
3 placement of other children and initiate corrective action
4 that may include revocation of the foster parent's license to
5 operate the foster family home. A foster parent who knowingly
6 and willfully fails to report a missing foster child under
7 this subsection is guilty of a Class A misdemeanor.

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

15 (f) When a child is missing from a foster home, the
16 Department or private agency in charge of case management
17 shall report regularly to the foster parent concerning efforts
18 to locate the missing child.

19 (g) The Department must strive to account for the status
20 and whereabouts of every one of its youth in care who it
21 determines is not residing in the authorized placement in
22 which the youth ~~he or she~~ was placed.

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

24 (225 ILCS 10/7.4)

25 Sec. 7.4. Disclosures.

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

13 (b) Every licensed child welfare agency providing adoption
14 services shall provide to all applicants, prior to
15 application, a written schedule of estimated fees, expenses,
16 and refund policies. Every child welfare agency providing
17 adoption services shall have a written policy that shall be
18 part of its standard adoption contract and state that it will
19 not charge additional fees and expenses beyond those disclosed
20 in the adoption contract unless additional fees are reasonably
21 required by the circumstances and are disclosed to the
22 adoptive parents or parent before they are incurred. The
23 Department shall adopt rules relating to the contents of the
24 written schedule and policy. Eligible agencies may be deemed
25 compliant with this subsection (b).

26 (c) Every licensed child welfare agency providing adoption

1 services must make full and fair disclosure to its clients,
2 including birth ~~biological~~ parents and adoptive parents, of
3 all circumstances material to the placement of a child for
4 adoption. The Department shall adopt rules necessary for the
5 implementation and regulation of the requirements of this
6 subsection (c).

7 (c-5) Whenever a licensed child welfare agency places a
8 child in a licensed foster family home or an adoption-only
9 home, the agency shall provide the following to the caretaker
10 or prospective adoptive parent:

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

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

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

24 (4) Any known social or behavioral information
25 (including, but not limited to, criminal background, fire
26 setting, perpetration of sexual abuse, destructive

1 behavior, and substance abuse) necessary to care for and
2 safeguard the child.

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

16 The Department shall adopt rules necessary for the
17 implementation and regulation of the requirements of this
18 subsection (c-5).

19 (d) Every licensed child welfare agency providing adoption
20 services shall meet minimum standards set forth by the
21 Department concerning the taking or acknowledging of a consent
22 prior to taking or acknowledging a consent from a prospective
23 birth ~~biological~~ parent. The Department shall adopt rules
24 concerning the minimum standards required by agencies under
25 this Section.

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

1 (225 ILCS 10/7.6)

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

13 (1) a balance sheet and a statement of income and
14 expenses for the year, certified by an independent public
15 accountant; for purposes of this item (1), the audit
16 report filed by an agency with the Department may be
17 included in the annual report and, if so, shall be
18 sufficient to comply with the requirement of this item
19 (1);

20 (2) non-identifying information concerning the
21 placements made by the agency during the year, consisting
22 of the number of adoptive families in the process of
23 obtaining approval for an adoption-only home, the number
24 of adoptive families that are approved and awaiting
25 placement, the number of birth ~~biological~~ parents that the

1 agency is actively working with, the number of placements,
2 and the number of adoptions initiated during the year and
3 the status of each matter at the end of the year;

4 (3) any instance during the year in which the agency
5 lost the right to provide adoption services in any State
6 or country, had its license suspended for cause, or was
7 the subject of other sanctions by any court, governmental
8 agency, or governmental regulatory body relating to the
9 provision of adoption services;

10 (4) any actions related to licensure that were
11 initiated against the agency during the year by a
12 licensing or accrediting body;

13 (5) any pending investigations by federal or State
14 authorities;

15 (6) any criminal charges, child abuse charges,
16 malpractice complaints, or lawsuits against the agency or
17 any of its employees, officers, or directors related to
18 the provision of adoption services and the basis or
19 disposition of the actions;

20 (7) any instance in the year where the agency was
21 found guilty of, or pled guilty to, any criminal or civil
22 or administrative violation under federal, State, or
23 foreign law that relates to the provision of adoption
24 services;

25 (8) any instance in the year where any employee,
26 officer, or director of the agency was found guilty of any

1 crime or was determined to have violated a civil law or
2 administrative rule under federal, State, or foreign law
3 relating to the provision of adoption services; and

4 (9) any civil or administrative proceeding instituted
5 by the agency during the year and relating to adoption
6 services, excluding uncontested adoption proceedings and
7 proceedings filed pursuant to Section 12a of the Adoption
8 Act.

9 Failure to disclose information required under this
10 Section may result in the suspension of the agency's license
11 for a period of 90 days. Subsequent violations may result in
12 revocation of the license.

13 Information disclosed in accordance with this Section
14 shall be subject to the applicable confidentiality
15 requirements of this Act and the Adoption Act.

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

17 (225 ILCS 10/7.7)

18 Sec. 7.7. Certain waivers prohibited. Licensed child
19 welfare agencies providing adoption services shall not require
20 birth ~~biological~~ or adoptive parents to sign any document that
21 purports to waive claims against an agency for intentional or
22 reckless acts or omissions or for gross negligence. Nothing in
23 this Section shall require an agency to assume risks that are
24 not within the reasonable control of the agency.

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

1 (225 ILCS 10/9) (from Ch. 23, par. 2219)

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

13 (a) Upon written request by the licensee, the Department
14 shall furnish such written statement of charges, and, at the
15 same time, shall set the date and place for the hearing. The
16 charges and notice of the hearing shall be delivered by
17 registered mail with postage prepaid, and the hearing must be
18 held within 30 days, dating from the date of the postmark of
19 the registered mail, except that notification must be made at
20 least 15 days in advance of the date set for the hearing.

21 (b) If no request for a hearing is made within 10 days
22 after notification, or if the Department determines, upon
23 holding a hearing, that the license should be revoked or
24 renewal denied, then the license shall be revoked or renewal
25 denied.

1 (c) Upon the hearing of proceedings in which the license
2 is revoked, renewal of license is refused or full license is
3 denied, the Director of the Department, or any officer or
4 employee duly authorized by the Director ~~him~~ in writing, may
5 administer oaths and the Department may procure, by its
6 subpoena, the attendance of witnesses and the production of
7 relevant books and papers.

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

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

19 (225 ILCS 10/9.1b)

20 Sec. 9.1b. Complaint procedures. All child welfare
21 agencies providing adoption services shall be required by the
22 Department to have complaint policies and procedures that
23 shall be provided in writing to their prospective clients,
24 including birth ~~biological~~ parents, adoptive parents, and
25 adoptees that they have served, at the earliest time possible,

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

19 (225 ILCS 10/12) (from Ch. 23, par. 2222)

20 Sec. 12. Advertisements.

21 (a) In this Section, "advertise" means communication by
22 any public medium originating or distributed in this State,
23 including, but not limited to, newspapers, periodicals,
24 telephone book listings, outdoor advertising signs, radio, or
25 television.

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

22 (c) Every advertisement published after the effective date
23 of this amendatory Act of the 94th General Assembly shall
24 include the Department-issued license number of the facility
25 or agency.

26 (d) Any licensed child welfare agency providing adoption

1 services that, after the effective date of this amendatory Act
2 of the 94th General Assembly, causes to be published an
3 advertisement containing reckless or intentional
4 misrepresentations concerning adoption services or
5 circumstances material to the placement of a child for
6 adoption is guilty of a Class A misdemeanor and is subject to a
7 fine not to exceed \$10,000 or 9 months imprisonment for each
8 advertisement.

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

25 (f) An advertiser, publisher, or broadcaster, including,
26 but not limited to, newspapers, periodicals, telephone book

1 publishers, outdoor advertising signs, radio stations, or
2 television stations, who knowingly or recklessly advertises or
3 publishes any advertisement offering, soliciting, or promising
4 to perform adoption services, as defined in Section 2.24 of
5 this Act, on behalf of a person, group of persons, agency,
6 association, organization, corporation, institution, center,
7 or group, not authorized to advertise under subsection (b) or
8 subsection (e) of this Section, is guilty of a Class A
9 misdemeanor and is subject to a fine not to exceed \$10,000 or 9
10 months imprisonment for each advertisement.

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

22 (h) Nothing in this Act shall prohibit a day care agency,
23 day care center, day care home, or group day care home that
24 does not provide or perform adoption services, as defined in
25 Section 2.24 of this Act, from advertising or marketing the
26 day care agency, day care center, day care home, or group day

1 care home.

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

3 (225 ILCS 10/14.5)

4 Sec. 14.5. Offering, providing, or co-signing a loan or
5 other credit accommodation. No person or entity shall offer,
6 provide, or co-sign a loan or other credit accommodation,
7 directly or indirectly, with a birth ~~biological~~ parent or a
8 relative of a birth ~~biological~~ parent based on the contingency
9 of a surrender or placement of a child for adoption.

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

11 (225 ILCS 10/14.7)

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

13 (a) Payment of reasonable living expenses by a child
14 welfare agency shall not obligate the birth ~~biological~~ parents
15 to place the child for adoption. In the event that the birth
16 ~~biological~~ parents choose not to place the child for adoption,
17 the child welfare agency shall have no right to seek
18 reimbursement from the birth ~~biological~~ parents, or from any
19 relative of the birth ~~biological~~ parents, of moneys paid to,
20 or on behalf of, the birth ~~biological~~ parents, except as
21 provided in subsection (b) of this Section.

22 (b) Notwithstanding subsection (a) of this Section, a
23 child welfare agency may seek reimbursement of reasonable
24 living expenses from a person who receives such payments only

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

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

9 (225 ILCS 10/18) (from Ch. 23, par. 2228)

10 Sec. 18. Any person, group of persons, association or
11 corporation who

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

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

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

19 (4) advertises any service not authorized by license or
20 permit held;

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

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

24 (7) violates any other provision of this Act or any
25 reasonable rule or regulation adopted and published by the

1 Department for the enforcement of the provisions of this Act,
2 is guilty of a Class A misdemeanor and in case of an
3 association or corporation, imprisonment may be imposed upon
4 its officers who knowingly participated in the violation.

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

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

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

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

18 (325 ILCS 2/10)

19 Sec. 10. Definitions. In this Act:

20 "Abandon" has the same meaning as in the Abused and
21 Neglected Child Reporting Act.

22 "Abused child" has the same meaning as in the Abused and
23 Neglected Child Reporting Act.

24 "Child-placing agency" means a licensed public or private

1 agency that receives a child for the purpose of placing or
2 arranging for the placement of the child in a foster family
3 home or other facility for child care, apart from the custody
4 of the child's parents.

5 "Department" or "DCFS" means the Illinois Department of
6 Children and Family Services.

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

10 "Emergency medical professional" includes licensed
11 physicians, and any emergency medical technician, emergency
12 medical technician-intermediate, advanced emergency medical
13 technician, paramedic, trauma nurse specialist, and
14 pre-hospital registered nurse, as defined in the Emergency
15 Medical Services (EMS) Systems Act.

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

18 "Hospital" has the same meaning as in the Hospital
19 Licensing Act.

20 "Legal custody" means the relationship created by a court
21 order in the best interest of a newborn infant that imposes on
22 the infant's custodian the responsibility of physical
23 possession of the infant, the duty to protect, train, and
24 discipline the infant, and the duty to provide the infant with
25 food, shelter, education, and medical care, except as these
26 are limited by parental rights and responsibilities.

1 "Neglected child" has the same meaning as in the Abused
2 and Neglected Child Reporting Act.

3 "Newborn infant" means a child who a licensed physician
4 reasonably believes is 30 days old or less at the time the
5 child is initially relinquished to a hospital, police station,
6 fire station, or emergency medical facility, and who is not an
7 abused or a neglected child.

8 "Police station" means a municipal police station, a
9 county sheriff's office, a campus police department located on
10 any college or university owned or controlled by the State or
11 any private college or private university that is not owned or
12 controlled by the State when employees of the campus police
13 department are present, or any of the district headquarters of
14 the Illinois State Police.

15 "Relinquish" means to bring a newborn infant, who a
16 licensed physician reasonably believes is 30 days old or less,
17 to a hospital, police station, fire station, or emergency
18 medical facility and to leave the infant with personnel of the
19 facility, if the person leaving the infant does not express an
20 intent to return for the infant or states that the person ~~he or~~
21 ~~she~~ will not return for the infant. In the case of a person
22 ~~mother~~ who gives birth to an infant in a hospital, the person's
23 ~~mother's~~ act of leaving that newborn infant at the hospital
24 (i) without expressing an intent to return for the infant or
25 (ii) stating that the person ~~she~~ will not return for the infant
26 is not a "relinquishment" under this Act.

1 "Temporary protective custody" means the temporary
2 placement of a newborn infant within a hospital or other
3 medical facility out of the custody of the infant's parent.

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

5 (325 ILCS 2/15)

6 Sec. 15. Presumptions.

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

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

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

14 and

15 (2) either without expressing an intent to return for
16 the infant or expressing an intent not to return for the
17 infant, did intend to relinquish the infant to the
18 hospital, police station, fire station, or emergency
19 medical facility to treat, care for, and provide for the
20 infant in accordance with this Act.

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

25 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;

1 93-820, eff. 7-27-04.)

2 (325 ILCS 2/30)

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

1 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
2 93-820, eff. 7-27-04.)

3 (325 ILCS 2/35)

4 Sec. 35. Information for relinquishing person.

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

13 (1) (Blank).

14 (2) Written notice of the following:

15 (A) No sooner than 60 days following the date of
16 the initial relinquishment of the infant to a
17 hospital, police station, fire station, or emergency
18 medical facility, the child-placing agency or the
19 Department will commence proceedings for the
20 termination of parental rights and placement of the
21 infant for adoption.

22 (B) Failure of a parent of the infant to contact
23 the Department and petition for the return of custody
24 of the infant before termination of parental rights
25 bars any future action asserting legal rights with

1 respect to the infant.

2 (3) A resource list of providers of counseling
3 services including grief counseling, pregnancy counseling,
4 and counseling regarding adoption and other available
5 options for placement of the infant.

6 Upon request of a parent, the Department of Public Health
7 shall provide the application forms for the Illinois Adoption
8 Registry and Medical Information Exchange.

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

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

19 (2) A brochure that describes the Illinois Adoption
20 Registry, including a toll-free number and website
21 information. This brochure shall be maintained on the
22 Office of Vital Records website.

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

25 The information packet shall be designed in coordination
26 between the Office of Vital Records and the Department of

1 Children and Family Services, with the exception of the
2 resource list of providers of counseling services and adoption
3 agencies, which shall be provided by the hospital, fire
4 station, police station, sheriff's office, or emergency
5 medical facility.

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

7 Section 55. The Abused and Neglected Child Reporting Act
8 is amended by changing Sections 2.1, 3, 4, 4.1, 4.2, 4.4, 4.5,
9 5, 7, 7.3b, 7.3c, 7.4, 7.9, 7.14, 7.16, 7.19, 11.1, 11.1a,
10 11.3, 11.5, and 11.8 as follows:

11 (325 ILCS 5/2.1) (from Ch. 23, par. 2052.1)

12 Sec. 2.1. Any person or family seeking assistance in
13 meeting child care responsibilities may use the services and
14 facilities established by this Act which may assist in meeting
15 such responsibilities. Whether or not the problem presented
16 constitutes child abuse or neglect, such persons or families
17 shall be referred to appropriate resources or agencies. No
18 person seeking assistance under this Section shall be required
19 to give the person's ~~his~~ name or any other identifying
20 information.

21 (Source: P.A. 81-1077.)

22 (325 ILCS 5/3) (from Ch. 23, par. 2053)

23 Sec. 3. As used in this Act unless the context otherwise

1 requires:

2 "Adult resident" means any person between 18 and 22 years
3 of age who resides in any facility licensed by the Department
4 under the Child Care Act of 1969. For purposes of this Act, the
5 criteria set forth in the definitions of "abused child" and
6 "neglected child" shall be used in determining whether an
7 adult resident is abused or neglected.

8 "Agency" means a child care facility licensed under
9 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
10 includes a transitional living program that accepts children
11 and adult residents for placement who are in the guardianship
12 of the Department.

13 "Blatant disregard" means an incident where the real,
14 significant, and imminent risk of harm would be so obvious to a
15 reasonable parent or caretaker that it is unlikely that a
16 reasonable parent or caretaker would have exposed the child to
17 the danger without exercising precautionary measures to
18 protect the child from harm. With respect to a person working
19 at an agency in the person's ~~his or her~~ professional capacity
20 with a child or adult resident, "blatant disregard" includes a
21 failure by the person to perform job responsibilities intended
22 to protect the child's or adult resident's health, physical
23 well-being, or welfare, and, when viewed in light of the
24 surrounding circumstances, evidence exists that would cause a
25 reasonable person to believe that the child was neglected.
26 With respect to an agency, "blatant disregard" includes a

1 failure to implement practices that ensure the health,
2 physical well-being, or welfare of the children and adult
3 residents residing in the facility.

4 "Child" means any person under the age of 18 years, unless
5 legally emancipated by reason of marriage or entry into a
6 branch of the United States armed services.

7 "Department" means Department of Children and Family
8 Services.

9 "Local law enforcement agency" means the police of a city,
10 town, village or other incorporated area or the sheriff of an
11 unincorporated area or any sworn officer of the Illinois State
12 Police.

13 "Abused child" means a child whose parent or immediate
14 family member, or any person responsible for the child's
15 welfare, or any individual residing in the same home as the
16 child, or a paramour of the child's parent:

17 (a) inflicts, causes to be inflicted, or allows to be
18 inflicted upon such child physical injury, by other than
19 accidental means, which causes death, disfigurement,
20 impairment of physical or emotional health, or loss or
21 impairment of any bodily function;

22 (b) creates a substantial risk of physical injury to
23 such child by other than accidental means which would be
24 likely to cause death, disfigurement, impairment of
25 physical or emotional health, or loss or impairment of any
26 bodily function;

1 (c) commits or allows to be committed any sex offense
2 against such child, as such sex offenses are defined in
3 the Criminal Code of 2012 or in the Wrongs to Children Act,
4 and extending those definitions of sex offenses to include
5 children under 18 years of age;

6 (d) commits or allows to be committed an act or acts of
7 torture upon such child;

8 (e) inflicts excessive corporal punishment or, in the
9 case of a person working for an agency who is prohibited
10 from using corporal punishment, inflicts corporal
11 punishment upon a child or adult resident with whom the
12 person is working in the person's ~~his or her~~ professional
13 capacity;

14 (f) commits or allows to be committed the offense of
15 female genital mutilation, as defined in Section 12-34 of
16 the Criminal Code of 2012, against the child;

17 (g) causes to be sold, transferred, distributed, or
18 given to such child under 18 years of age, a controlled
19 substance as defined in Section 102 of the Illinois
20 Controlled Substances Act in violation of Article IV of
21 the Illinois Controlled Substances Act or in violation of
22 the Methamphetamine Control and Community Protection Act,
23 except for controlled substances that are prescribed in
24 accordance with Article III of the Illinois Controlled
25 Substances Act and are dispensed to such child in a manner
26 that substantially complies with the prescription;

1 (h) commits or allows to be committed the offense of
2 involuntary servitude, involuntary sexual servitude of a
3 minor, or trafficking in persons as defined in Section
4 10-9 of the Criminal Code of 2012 against the child; or

5 (i) commits the offense of grooming, as defined in
6 Section 11-25 of the Criminal Code of 2012, against the
7 child.

8 A child shall not be considered abused for the sole reason
9 that the child has been relinquished in accordance with the
10 Abandoned Newborn Infant Protection Act.

11 "Neglected child" means any child who is not receiving the
12 proper or necessary nourishment or medically indicated
13 treatment including food or care not provided solely on the
14 basis of the present or anticipated mental or physical
15 impairment as determined by a physician acting alone or in
16 consultation with other physicians or otherwise is not
17 receiving the proper or necessary support or medical or other
18 remedial care recognized under State law as necessary for a
19 child's well-being, or other care necessary for the child's
20 ~~his or her~~ well-being, including adequate food, clothing and
21 shelter; or who is subjected to an environment which is
22 injurious insofar as (i) the child's environment creates a
23 likelihood of harm to the child's health, physical well-being,
24 or welfare and (ii) the likely harm to the child is the result
25 of a blatant disregard of parent, caretaker, person
26 responsible for the child's welfare, or agency

1 responsibilities; or who is abandoned by the child's ~~his or~~
2 ~~her~~ parents or other person responsible for the child's
3 welfare without a proper plan of care; or who has been provided
4 with interim crisis intervention services under Section 3-5 of
5 the Juvenile Court Act of 1987 and whose parent, guardian, or
6 custodian refuses to permit the child to return home and no
7 other living arrangement agreeable to the parent, guardian, or
8 custodian can be made, and the parent, guardian, or custodian
9 has not made any other appropriate living arrangement for the
10 child; or who is a newborn infant whose blood, urine, or
11 meconium contains any amount of a controlled substance as
12 defined in subsection (f) of Section 102 of the Illinois
13 Controlled Substances Act or a metabolite thereof, with the
14 exception of a controlled substance or metabolite thereof
15 whose presence in the newborn infant is the result of medical
16 treatment administered to the person who gave birth ~~mother~~ or
17 the newborn infant. A child shall not be considered neglected
18 for the sole reason that the child's parent or other person
19 responsible for the child's ~~his or her~~ welfare has left the
20 child in the care of an adult relative for any period of time.
21 A child shall not be considered neglected for the sole reason
22 that the child has been relinquished in accordance with the
23 Abandoned Newborn Infant Protection Act. A child shall not be
24 considered neglected or abused for the sole reason that such
25 child's parent or other person responsible for the child's ~~his~~
26 ~~or her~~ welfare depends upon spiritual means through prayer

1 alone for the treatment or cure of disease or remedial care as
2 provided under Section 4 of this Act. A child shall not be
3 considered neglected or abused solely because the child is not
4 attending school in accordance with the requirements of
5 Article 26 of The School Code, as amended.

6 "Child Protective Service Unit" means certain specialized
7 State employees of the Department assigned by the Director to
8 perform the duties and responsibilities as provided under
9 Section 7.2 of this Act.

10 "Near fatality" means an act that, as certified by a
11 physician, places the child in serious or critical condition,
12 including acts of great bodily harm inflicted upon children
13 under 13 years of age, and as otherwise defined by Department
14 rule.

15 "Great bodily harm" includes bodily injury which creates a
16 high probability of death, or which causes serious permanent
17 disfigurement, or which causes a permanent or protracted loss
18 or impairment of the function of any bodily member or organ, or
19 other serious bodily harm.

20 "Person responsible for the child's welfare" means the
21 child's parent; guardian; foster parent; relative caregiver;
22 any person responsible for the child's welfare in a public or
23 private residential agency or institution; any person
24 responsible for the child's welfare within a public or private
25 profit or not for profit child care facility; or any other
26 person responsible for the child's welfare at the time of the

1 alleged abuse or neglect, including any person who commits or
2 allows to be committed, against the child, the offense of
3 involuntary servitude, involuntary sexual servitude of a
4 minor, or trafficking in persons for forced labor or services,
5 as provided in Section 10-9 of the Criminal Code of 2012,
6 including, but not limited to, the custodian of the minor, or
7 any person who came to know the child through an official
8 capacity or position of trust, including, but not limited to,
9 health care professionals, educational personnel, recreational
10 supervisors, members of the clergy, and volunteers or support
11 personnel in any setting where children may be subject to
12 abuse or neglect.

13 "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 "An unfounded report" means any report made under this Act
21 for which it is determined after an investigation that no
22 credible evidence of abuse or neglect exists.

23 "An indicated report" means a report made under this Act
24 if an investigation determines that credible evidence of the
25 alleged abuse or neglect exists.

26 "An undetermined report" means any report made under this

1 Act in which it was not possible to initiate or complete an
2 investigation on the basis of information provided to the
3 Department.

4 "Subject of report" means any child reported to the
5 central register of child abuse and neglect established under
6 Section 7.7 of this Act as an alleged victim of child abuse or
7 neglect and the parent or guardian of the alleged victim or
8 other person responsible for the alleged victim's welfare who
9 is named in the report or added to the report as an alleged
10 perpetrator of child abuse or neglect.

11 "Perpetrator" means a person who, as a result of
12 investigation, has been determined by the Department to have
13 caused child abuse or neglect.

14 "Member of the clergy" means a clergyperson ~~clergyman~~ or
15 practitioner of any religious denomination accredited by the
16 religious body to which the clergyperson or practitioner ~~he or~~
17 ~~she~~ belongs.

18 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
19 102-813, eff. 5-13-22.)

20 (325 ILCS 5/4)

21 Sec. 4. Persons required to report; privileged
22 communications; transmitting false report.

23 (a) The following persons are required to immediately
24 report to the Department when they have reasonable cause to
25 believe that a child known to them in their professional or

1 official capacities may be an abused child or a neglected
2 child:

3 (1) Medical personnel, including any: physician
4 licensed to practice medicine in any of its branches
5 (medical doctor or doctor of osteopathy); resident;
6 intern; medical administrator or personnel engaged in the
7 examination, care, and treatment of persons; psychiatrist;
8 surgeon; dentist; dental hygienist; chiropractic
9 physician; podiatric physician; physician assistant;
10 emergency medical technician; physical therapist; physical
11 therapy assistant; occupational therapist; occupational
12 therapy assistant; acupuncturist; registered nurse;
13 licensed practical nurse; advanced practice registered
14 nurse; genetic counselor; respiratory care practitioner;
15 home health aide; or certified nursing assistant.

16 (2) Social services and mental health personnel,
17 including any: licensed professional counselor; licensed
18 clinical professional counselor; licensed social worker;
19 licensed clinical social worker; licensed psychologist or
20 assistant working under the direct supervision of a
21 psychologist; associate licensed marriage and family
22 therapist; licensed marriage and family therapist; field
23 personnel of the Departments of Healthcare and Family
24 Services, Public Health, Human Services, Human Rights, or
25 Children and Family Services; supervisor or administrator
26 of the General Assistance program established under

1 Article VI of the Illinois Public Aid Code; social
2 services administrator; or substance abuse treatment
3 personnel.

4 (3) Crisis intervention personnel, including any:
5 crisis line or hotline personnel; or domestic violence
6 program personnel.

7 (4) Education personnel, including any: school
8 personnel (including administrators and certified and
9 non-certified school employees); personnel of institutions
10 of higher education; educational advocate assigned to a
11 child in accordance with the School Code; member of a
12 school board or the Chicago Board of Education or the
13 governing body of a private school (but only to the extent
14 required under subsection (d)); or truant officer.

15 (5) Recreation or athletic program or facility
16 personnel; or an athletic trainer.

17 (6) Child care personnel, including any: early
18 intervention provider as defined in the Early Intervention
19 Services System Act; director or staff assistant of a
20 nursery school or a child day care center; or foster
21 parent, homemaker, or child care worker.

22 (7) Law enforcement personnel, including any: law
23 enforcement officer; field personnel of the Department of
24 Juvenile Justice; field personnel of the Department of
25 Corrections; probation officer; or animal control officer
26 or field investigator of the Department of Agriculture's

1 Bureau of Animal Health and Welfare.

2 (8) Any funeral home director; funeral home director
3 and embalmer; funeral home employee; coroner; or medical
4 examiner.

5 (9) Any member of the clergy.

6 (10) Any physician, physician assistant, registered
7 nurse, licensed practical nurse, medical technician,
8 certified nursing assistant, licensed social worker,
9 licensed clinical social worker, or licensed professional
10 counselor of any office, clinic, licensed behavior
11 analyst, licensed assistant behavior analyst, or any other
12 physical location that provides abortions, abortion
13 referrals, or contraceptives.

14 (b) When 2 or more persons who work within the same
15 workplace and are required to report under this Act share a
16 reasonable cause to believe that a child may be an abused or
17 neglected child, one of those reporters may be designated to
18 make a single report. The report shall include the names and
19 contact information for the other mandated reporters sharing
20 the reasonable cause to believe that a child may be an abused
21 or neglected child. The designated reporter must provide
22 written confirmation of the report to those mandated reporters
23 within 48 hours. If confirmation is not provided, those
24 mandated reporters are individually responsible for
25 immediately ensuring a report is made. Nothing in this Section
26 precludes or may be used to preclude any person from reporting

1 child abuse or child neglect.

2 (c)(1) As used in this Section, "a child known to them in
3 their professional or official capacities" means:

4 (A) the mandated reporter comes into contact with the
5 child in the course of the reporter's employment or
6 practice of a profession, or through a regularly scheduled
7 program, activity, or service;

8 (B) the mandated reporter is affiliated with an
9 agency, institution, organization, school, school
10 district, regularly established church or religious
11 organization, or other entity that is directly responsible
12 for the care, supervision, guidance, or training of the
13 child; or

14 (C) a person makes a specific disclosure to the
15 mandated reporter that an identifiable child is the victim
16 of child abuse or child neglect, and the disclosure
17 happens while the mandated reporter is engaged in the
18 reporter's ~~his or her~~ employment or practice of a
19 profession, or in a regularly scheduled program, activity,
20 or service.

21 (2) Nothing in this Section requires a child to come
22 before the mandated reporter in order for the reporter to make
23 a report of suspected child abuse or child neglect.

24 (d) If an allegation is raised to a school board member
25 during the course of an open or closed school board meeting
26 that a child who is enrolled in the school district of which

1 the person ~~he or she~~ is a board member is an abused child as
2 defined in Section 3 of this Act, the member shall direct or
3 cause the school board to direct the superintendent of the
4 school district or other equivalent school administrator to
5 comply with the requirements of this Act concerning the
6 reporting of child abuse. For purposes of this paragraph, a
7 school board member is granted the authority in that board
8 member's ~~his or her~~ individual capacity to direct the
9 superintendent of the school district or other equivalent
10 school administrator to comply with the requirements of this
11 Act concerning the reporting of child abuse.

12 Notwithstanding any other provision of this Act, if an
13 employee of a school district has made a report or caused a
14 report to be made to the Department under this Act involving
15 the conduct of a current or former employee of the school
16 district and a request is made by another school district for
17 the provision of information concerning the job performance or
18 qualifications of the current or former employee because the
19 current or former employee ~~he or she~~ is an applicant for
20 employment with the requesting school district, the general
21 superintendent of the school district to which the request is
22 being made must disclose to the requesting school district the
23 fact that an employee of the school district has made a report
24 involving the conduct of the applicant or caused a report to be
25 made to the Department, as required under this Act. Only the
26 fact that an employee of the school district has made a report

1 involving the conduct of the applicant or caused a report to be
2 made to the Department may be disclosed by the general
3 superintendent of the school district to which the request for
4 information concerning the applicant is made, and this fact
5 may be disclosed only in cases where the employee and the
6 general superintendent have not been informed by the
7 Department that the allegations were unfounded. An employee of
8 a school district who is or has been the subject of a report
9 made pursuant to this Act during the employee's ~~his or her~~
10 employment with the school district must be informed by that
11 school district that if the employee ~~he or she~~ applies for
12 employment with another school district, the general
13 superintendent of the former school district, upon the request
14 of the school district to which the employee applies, shall
15 notify that requesting school district that the employee is or
16 was the subject of such a report.

17 (e) Whenever such person is required to report under this
18 Act in the person's ~~his~~ capacity as a member of the staff of a
19 medical or other public or private institution, school,
20 facility or agency, or as a member of the clergy, the person ~~he~~
21 shall make report immediately to the Department in accordance
22 with the provisions of this Act and may also notify the person
23 in charge of such institution, school, facility or agency, or
24 church, synagogue, temple, mosque, or other religious
25 institution, or ~~his~~ designated agent of the person in charge
26 that such report has been made. Under no circumstances shall

1 any person in charge of such institution, school, facility or
2 agency, or church, synagogue, temple, mosque, or other
3 religious institution, or ~~his~~ designated agent of the person
4 in charge to whom such notification has been made, exercise
5 any control, restraint, modification or other change in the
6 report or the forwarding of such report to the Department.

7 (f) In addition to the persons required to report
8 suspected cases of child abuse or child neglect under this
9 Section, any other person may make a report if such person has
10 reasonable cause to believe a child may be an abused child or a
11 neglected child.

12 (g) The privileged quality of communication between any
13 professional person required to report and the professional
14 person's ~~his~~ patient or client shall not apply to situations
15 involving abused or neglected children and shall not
16 constitute grounds for failure to report as required by this
17 Act or constitute grounds for failure to share information or
18 documents with the Department during the course of a child
19 abuse or neglect investigation. If requested by the
20 professional, the Department shall confirm in writing that the
21 information or documents disclosed by the professional were
22 gathered in the course of a child abuse or neglect
23 investigation.

24 The reporting requirements of this Act shall not apply to
25 the contents of a privileged communication between an attorney
26 and the attorney's ~~his or her~~ client or to confidential

1 information within the meaning of Rule 1.6 of the Illinois
2 Rules of Professional Conduct relating to the legal
3 representation of an individual client.

4 A member of the clergy may claim the privilege under
5 Section 8-803 of the Code of Civil Procedure.

6 (h) Any office, clinic, or any other physical location
7 that provides abortions, abortion referrals, or contraceptives
8 shall provide to all office personnel copies of written
9 information and training materials about abuse and neglect and
10 the requirements of this Act that are provided to employees of
11 the office, clinic, or physical location who are required to
12 make reports to the Department under this Act, and instruct
13 such office personnel to bring to the attention of an employee
14 of the office, clinic, or physical location who is required to
15 make reports to the Department under this Act any reasonable
16 suspicion that a child known to office personnel ~~him or her~~ in
17 their ~~his or her~~ professional or official capacity may be an
18 abused child or a neglected child.

19 (i) Any person who enters into employment on and after
20 July 1, 1986 and is mandated by virtue of that employment to
21 report under this Act, shall sign a statement on a form
22 prescribed by the Department, to the effect that the employee
23 has knowledge and understanding of the reporting requirements
24 of this Act. On and after January 1, 2019, the statement shall
25 also include information about available mandated reporter
26 training provided by the Department. The statement shall be

1 signed prior to commencement of the employment. The signed
2 statement shall be retained by the employer. The cost of
3 printing, distribution, and filing of the statement shall be
4 borne by the employer.

5 (j) Persons required to report child abuse or child
6 neglect as provided under this Section must complete an
7 initial mandated reporter training, including a section on
8 implicit bias, within 3 months of their date of engagement in a
9 professional or official capacity as a mandated reporter, or
10 within the time frame of any other applicable State law that
11 governs training requirements for a specific profession, and
12 at least every 3 years thereafter. The initial requirement
13 only applies to the first time they engage in their
14 professional or official capacity. In lieu of training every 3
15 years, medical personnel, as listed in paragraph (1) of
16 subsection (a), must meet the requirements described in
17 subsection (k).

18 The mandated reporter trainings shall be in-person or
19 web-based, and shall include, at a minimum, information on the
20 following topics: (i) indicators for recognizing child abuse
21 and child neglect, as defined under this Act; (ii) the process
22 for reporting suspected child abuse and child neglect in
23 Illinois as required by this Act and the required
24 documentation; (iii) responding to a child in a
25 trauma-informed manner; and (iv) understanding the response of
26 child protective services and the role of the reporter after a

1 call has been made. Child-serving organizations are encouraged
2 to provide in-person annual trainings.

3 The implicit bias section shall be in-person or web-based,
4 and shall include, at a minimum, information on the following
5 topics: (i) implicit bias and (ii) racial and ethnic
6 sensitivity. As used in this subsection, "implicit bias" means
7 the attitudes or internalized stereotypes that affect people's
8 perceptions, actions, and decisions in an unconscious manner
9 and that exist and often contribute to unequal treatment of
10 people based on race, ethnicity, gender identity, sexual
11 orientation, age, disability, and other characteristics. The
12 implicit bias section shall provide tools to adjust automatic
13 patterns of thinking and ultimately eliminate discriminatory
14 behaviors. During these trainings mandated reporters shall
15 complete the following: (1) a pretest to assess baseline
16 implicit bias levels; (2) an implicit bias training task; and
17 (3) a posttest to reevaluate bias levels after training. The
18 implicit bias curriculum for mandated reporters shall be
19 developed within one year after January 1, 2022 (the effective
20 date of Public Act 102-604) ~~this amendatory Act of the 102nd~~
21 ~~General Assembly~~ and shall be created in consultation with
22 organizations demonstrating expertise and or experience in the
23 areas of implicit bias, youth and adolescent developmental
24 issues, prevention of child abuse, exploitation, and neglect,
25 culturally diverse family systems, and the child welfare
26 system.

1 The mandated reporter training, including a section on
2 implicit bias, shall be provided through the Department,
3 through an entity authorized to provide continuing education
4 for professionals licensed through the Department of Financial
5 and Professional Regulation, the State Board of Education, the
6 Illinois Law Enforcement Training Standards Board, or the
7 Illinois Department of State Police, or through an
8 organization approved by the Department to provide mandated
9 reporter training, including a section on implicit bias. The
10 Department must make available a free web-based training for
11 reporters.

12 Each mandated reporter shall report to the mandated
13 reporter's ~~his or her~~ employer and, when applicable, to the
14 mandated reporter's ~~his or her~~ licensing or certification
15 board that the mandated reporter ~~he or she~~ received the
16 mandated reporter training. The mandated reporter shall
17 maintain records of completion.

18 Beginning January 1, 2021, if a mandated reporter receives
19 licensure from the Department of Financial and Professional
20 Regulation or the State Board of Education, and the mandated
21 reporter's ~~his or her~~ profession has continuing education
22 requirements, the training mandated under this Section shall
23 count toward meeting the licensee's required continuing
24 education hours.

25 (k)(1) Medical personnel, as listed in paragraph (1) of
26 subsection (a), who work with children in their professional

1 or official capacity, must complete mandated reporter training
2 at least every 6 years. Such medical personnel, if licensed,
3 must attest at each time of licensure renewal on their renewal
4 form that they understand they are a mandated reporter of
5 child abuse and neglect, that they are aware of the process for
6 making a report, that they know how to respond to a child in a
7 trauma-informed manner, and that they are aware of the role of
8 child protective services and the role of a reporter after a
9 call has been made.

10 (2) In lieu of repeated training, medical personnel, as
11 listed in paragraph (1) of subsection (a), who do not work with
12 children in their professional or official capacity, may
13 instead attest each time at licensure renewal on their renewal
14 form that they understand they are a mandated reporter of
15 child abuse and neglect, that they are aware of the process for
16 making a report, that they know how to respond to a child in a
17 trauma-informed manner, and that they are aware of the role of
18 child protective services and the role of a reporter after a
19 call has been made. Nothing in this paragraph precludes
20 medical personnel from completing mandated reporter training
21 and receiving continuing education credits for that training.

22 (1) The Department shall provide copies of this Act, upon
23 request, to all employers employing persons who shall be
24 required under the provisions of this Section to report under
25 this Act.

26 (m) Any person who knowingly transmits a false report to

1 the Department commits the offense of disorderly conduct under
2 subsection (a)(7) of Section 26-1 of the Criminal Code of
3 2012. A violation of this provision is a Class 4 felony.

4 Any person who knowingly and willfully violates any
5 provision of this Section other than a second or subsequent
6 violation of transmitting a false report as described in the
7 preceding paragraph, is guilty of a Class A misdemeanor for a
8 first violation and a Class 4 felony for a second or subsequent
9 violation; except that if the person acted as part of a plan or
10 scheme having as its object the prevention of discovery of an
11 abused or neglected child by lawful authorities for the
12 purpose of protecting or insulating any person or entity from
13 arrest or prosecution, the person is guilty of a Class 4 felony
14 for a first offense and a Class 3 felony for a second or
15 subsequent offense (regardless of whether the second or
16 subsequent offense involves any of the same facts or persons
17 as the first or other prior offense).

18 (n) A child whose parent, guardian or custodian in good
19 faith selects and depends upon spiritual means through prayer
20 alone for the treatment or cure of disease or remedial care may
21 be considered neglected or abused, but not for the sole reason
22 that the child's ~~his~~ parent, guardian or custodian accepts and
23 practices such beliefs.

24 (o) A child shall not be considered neglected or abused
25 solely because the child is not attending school in accordance
26 with the requirements of Article 26 of the School Code, as

1 amended.

2 (p) Nothing in this Act prohibits a mandated reporter who
3 reasonably believes that an animal is being abused or
4 neglected in violation of the Humane Care for Animals Act from
5 reporting animal abuse or neglect to the Department of
6 Agriculture's Bureau of Animal Health and Welfare.

7 (q) A home rule unit may not regulate the reporting of
8 child abuse or neglect in a manner inconsistent with the
9 provisions of this Section. This Section is a limitation under
10 subsection (i) of Section 6 of Article VII of the Illinois
11 Constitution on the concurrent exercise by home rule units of
12 powers and functions exercised by the State.

13 (r) For purposes of this Section "child abuse or neglect"
14 includes abuse or neglect of an adult resident as defined in
15 this Act.

16 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22;
17 102-861, eff. 1-1-23; 102-953, eff. 5-27-22; revised
18 12-14-22.)

19 (325 ILCS 5/4.1) (from Ch. 23, par. 2054.1)

20 Sec. 4.1. Any person required to report under this Act who
21 has reasonable cause to suspect that a child has died as a
22 result of abuse or neglect shall also immediately report the
23 person's ~~his~~ suspicion to the appropriate medical examiner or
24 coroner. Any other person who has reasonable cause to believe
25 that a child has died as a result of abuse or neglect may

1 report the person's ~~his~~ suspicion to the appropriate medical
2 examiner or coroner. The medical examiner or coroner shall
3 investigate the report and communicate the medical examiner's
4 or coroner's ~~his~~ apparent gross findings, orally, immediately
5 upon completion of the gross autopsy, but in all cases within
6 72 hours and within 21 days in writing, to the local law
7 enforcement agency, the appropriate State's attorney, the
8 Department and, if the institution making the report is a
9 hospital, the hospital. The child protective investigator
10 assigned to the death investigation shall have the right to
11 require a copy of the completed autopsy report from the
12 coroner or medical examiner.

13 (Source: P.A. 85-193.)

14 (325 ILCS 5/4.2)

15 Sec. 4.2. Departmental report on death or serious
16 life-threatening injury of child.

17 (a) In the case of the death or serious life-threatening
18 injury of a child whose care and custody or custody and
19 guardianship has been transferred to the Department, or in the
20 case of a child abuse or neglect report made to the central
21 register involving the death of a child, the Department shall
22 (i) investigate or provide for an investigation of the cause
23 of and circumstances surrounding the death or serious
24 life-threatening injury, (ii) review the investigation, and
25 (iii) prepare and issue a report on the death or serious

1 life-threatening injury.

2 (b) The report shall include (i) the cause of death or
3 serious life-threatening injury, whether from natural or other
4 causes, (ii) any extraordinary or pertinent information
5 concerning the circumstances of the child's death or serious
6 life-threatening injury, (iii) identification of child
7 protective or other social services provided or actions taken
8 regarding the child or the child's ~~his or her~~ family at the
9 time of the death or serious life-threatening injury or within
10 the preceding 5 years, (iv) any action or further
11 investigation undertaken by the Department since the death or
12 serious life-threatening injury of the child, (v) as
13 appropriate, recommendations for State administrative or
14 policy changes, (vi) whether the alleged perpetrator of the
15 abuse or neglect has been charged with committing a crime
16 related to the report and allegation of abuse or neglect, and
17 (vii) a copy of any documents, files, records, books, and
18 papers created or used in connection with the Department's
19 investigation of the death or serious life-threatening injury
20 of the child. In any case involving the death or near death of
21 a child, when a person responsible for the child has been
22 charged with committing a crime that results in the child's
23 death or near death, there shall be a presumption that the best
24 interest of the public will be served by public disclosure of
25 certain information concerning the circumstances of the
26 investigations of the death or near death of the child and any

1 other investigations concerning that child or other children
2 living in the same household.

3 If the Department receives from the public a request for
4 information relating to a case of child abuse or neglect
5 involving the death or serious life-threatening injury of a
6 child, the Director shall consult with the State's Attorney in
7 the county of venue and release the report related to the case,
8 except for the following, which may be redacted from the
9 information disclosed to the public: any mental health or
10 psychological information that is confidential as otherwise
11 provided in State law; privileged communications of an
12 attorney; the identity of the individual or individuals, if
13 known, who made the report; information that may cause mental
14 or physical harm to a sibling or another child living in the
15 household; information that may undermine an ongoing criminal
16 investigation; and any information prohibited from disclosure
17 by federal law or regulation. Any information provided by an
18 adult subject of a report that is released about the case in a
19 public forum shall be subject to disclosure upon a public
20 information request. Information about the case shall also be
21 subject to disclosure upon consent of an adult subject.
22 Information about the case shall also be subject to disclosure
23 if it has been publicly disclosed in a report by a law
24 enforcement agency or official, a State's Attorney, a judge,
25 or any other State or local investigative agency or official.
26 Except as it may apply directly to the cause of the death or

1 serious life-threatening injury of the child, nothing in this
2 Section shall be deemed to authorize the release or disclosure
3 to the public of the substance or content of any
4 psychological, psychiatric, therapeutic, clinical, or medical
5 reports, evaluation, or like materials or information
6 pertaining to the child or the child's family.

7 (c) No later than 6 months after the date of the death or
8 serious life-threatening injury of the child, the Department
9 shall notify the President of the Senate, the Minority Leader
10 of the Senate, the Speaker of the House of Representatives,
11 the Minority Leader of the House of Representatives, and the
12 members of the Senate and the House of Representatives in
13 whose district the child's death or serious life-threatening
14 injury occurred upon the completion of each report and shall
15 submit an annual cumulative report to the Governor and the
16 General Assembly incorporating cumulative data about the above
17 reports and including appropriate findings and
18 recommendations. The reports required by this subsection (c)
19 shall be made available to the public after completion or
20 submittal.

21 (d) To enable the Department to prepare the report, the
22 Department may request and shall timely receive from
23 departments, boards, bureaus, or other agencies of the State,
24 or any of its political subdivisions, or any duly authorized
25 agency, or any other agency which provided assistance, care,
26 or services to the deceased or injured child any information

1 they are authorized to provide.

2 (Source: P.A. 97-1068, eff. 1-1-13.)

3 (325 ILCS 5/4.4)

4 Sec. 4.4. DCFS duty to report to State's Attorney.

5 Whenever the Department receives, by means of its statewide
6 toll-free telephone number established under Section 7.6 for
7 the purpose of reporting suspected child abuse or neglect or
8 by any other means or from any mandated reporter under Section
9 4, a report of a newborn infant whose blood, urine, or meconium
10 contains any amount of a controlled substance as defined in
11 subsection (f) of Section 102 of the Illinois Controlled
12 Substances Act or a metabolite thereof, with the exception of
13 a controlled substance or metabolite thereof whose presence in
14 the newborn infant is the result of medical treatment
15 administered to the person who gave birth ~~mother~~ or the
16 newborn infant, the Department must immediately report that
17 information to the State's Attorney of the county in which the
18 infant was born.

19 (Source: P.A. 95-361, eff. 8-23-07.)

20 (325 ILCS 5/4.5)

21 Sec. 4.5. Electronic and information technology workers;
22 reporting child pornography.

23 (a) In this Section:

24 "Child pornography" means child pornography as described

1 in Section 11-20.1 of the Criminal Code of 2012.

2 "Electronic and information technology equipment" means
3 equipment used in the creation, manipulation, storage,
4 display, or transmission of data, including internet and
5 intranet systems, software applications, operating systems,
6 video and multimedia, telecommunications products, kiosks,
7 information transaction machines, copiers, printers, and
8 desktop and portable computers.

9 "Electronic and information technology equipment worker"
10 means a person who in the scope and course of the person's ~~his~~
11 ~~or her~~ employment or business installs, repairs, or otherwise
12 services electronic and information technology equipment for a
13 fee but does not include (i) an employee, independent
14 contractor, or other agent of a telecommunications carrier or
15 telephone or telecommunications cooperative, as those terms
16 are defined in the Public Utilities Act, or (ii) an employee,
17 independent contractor, or other agent of a provider of
18 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

19 (b) If an electronic and information technology equipment
20 worker discovers any depiction of child pornography while
21 installing, repairing, or otherwise servicing an item of
22 electronic and information technology equipment, that worker
23 or the worker's employer shall immediately report the
24 discovery to the local law enforcement agency or to the Cyber
25 Tipline at the National Center for Missing and ~~&~~ Exploited
26 Children.

1 (c) If a report is filed in accordance with the
2 requirements of 42 U.S.C. 13032, the requirements of this
3 Section 4.5 will be deemed to have been met.

4 (d) An electronic and information technology equipment
5 worker or electronic and information technology equipment
6 worker's employer who reports a discovery of child pornography
7 as required under this Section is immune from any criminal,
8 civil, or administrative liability in connection with making
9 the report, except for willful or wanton misconduct.

10 (e) Failure to report a discovery of child pornography as
11 required under this Section is a business offense subject to a
12 fine of \$1,001.

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

14 (325 ILCS 5/5) (from Ch. 23, par. 2055)

15 Sec. 5. An officer of a local law enforcement agency,
16 designated employee of the Department, or a physician treating
17 a child may take or retain temporary protective custody of the
18 child without the consent of the person responsible for the
19 child's welfare, if (1) the officer of a local law enforcement
20 agency, designated employee of the Department, or a physician
21 treating a child ~~he~~ has reason to believe that the child cannot
22 be cared for at home or in the custody of the person
23 responsible for the child's welfare without endangering the
24 child's health or safety; and (2) there is not time to apply
25 for a court order under the Juvenile Court Act of 1987 for

1 temporary custody of the child. The person taking or retaining
2 a child in temporary protective custody shall immediately make
3 every reasonable effort to notify the person responsible for
4 the child's welfare and shall immediately notify the
5 Department. The Department shall provide to the temporary
6 caretaker of a child any information in the Department's
7 possession concerning the positive results of a test performed
8 on the child to determine the presence of the antibody or
9 antigen to Human Immunodeficiency Virus (HIV), or of HIV
10 infection, as well as any communicable diseases or
11 communicable infections that the child has. The temporary
12 caretaker of a child shall not disclose to another person any
13 information received by the temporary caretaker from the
14 Department concerning the results of a test performed on the
15 child to determine the presence of the antibody or antigen to
16 HIV, or of HIV infection, except pursuant to Section 9 of the
17 AIDS Confidentiality Act, as now or hereafter amended. The
18 Department shall promptly initiate proceedings under the
19 Juvenile Court Act of 1987 for the continued temporary custody
20 of the child.

21 Where the physician keeping a child in the physician's ~~his~~
22 custody does so in the physician's ~~his~~ capacity as a member of
23 the staff of a hospital or similar institution, the physician
24 ~~he~~ shall notify the person in charge of the institution or the
25 ~~his~~ designated agent of the person in charge, who shall then
26 become responsible for the further care of such child in the

1 hospital or similar institution under the direction of the
2 Department.

3 Said care includes, but is not limited to the granting of
4 permission to perform emergency medical treatment to a minor
5 where the treatment itself does not involve a substantial risk
6 of harm to the minor and the failure to render such treatment
7 will likely result in death or permanent harm to the minor, and
8 there is not time to apply for a court order under the Juvenile
9 Court Act of 1987.

10 Any person authorized and acting in good faith in the
11 removal of a child under this Section shall have immunity from
12 any liability, civil or criminal, that might otherwise be
13 incurred or imposed as a result of such removal. Any physician
14 authorized and acting in good faith and in accordance with
15 acceptable medical practice in the treatment of a child under
16 this Section shall have immunity from any liability, civil or
17 criminal, that might otherwise be incurred or imposed as a
18 result of granting permission for emergency treatment.

19 With respect to any child taken into temporary protective
20 custody pursuant to this Section, the Department of Children
21 and Family Services Guardianship Administrator or the
22 Guardianship Administrator's ~~his~~ designee shall be deemed the
23 child's legally authorized representative for purposes of
24 consenting to an HIV test if deemed necessary and appropriate
25 by the Department's Guardianship Administrator or the
26 Guardianship Administrator's designee and obtaining and

1 disclosing information concerning such test pursuant to the
2 AIDS Confidentiality Act if deemed necessary and appropriate
3 by the Department's Guardianship Administrator or the
4 Guardianship Administrator's designee and for purposes of
5 consenting to the release of information pursuant to the
6 Illinois Sexually Transmissible Disease Control Act if deemed
7 necessary and appropriate by the Department's Guardianship
8 Administrator or designee.

9 Any person who administers an HIV test upon the consent of
10 the Department of Children and Family Services Guardianship
11 Administrator or the Guardianship Administrator's ~~his~~
12 designee, or who discloses the results of such tests to the
13 Department's Guardianship Administrator or the Guardianship
14 Administrator's ~~his~~ designee, shall have immunity from any
15 liability, civil, criminal or otherwise, that might result by
16 reason of such actions. For the purpose of any proceedings,
17 civil or criminal, the good faith of any persons required to
18 administer or disclose the results of tests, or permitted to
19 take such actions, shall be presumed.

20 (Source: P.A. 90-28, eff. 1-1-98.)

21 (325 ILCS 5/7) (from Ch. 23, par. 2057)

22 Sec. 7. Time and manner of making reports. All reports of
23 suspected child abuse or neglect made under this Act shall be
24 made immediately by telephone to the central register
25 established under Section 7.7 on the single, State-wide,

1 toll-free telephone number established in Section 7.6, or in
2 person or by telephone through the nearest Department office.
3 The Department shall, in cooperation with school officials,
4 distribute appropriate materials in school buildings listing
5 the toll-free telephone number established in Section 7.6,
6 including methods of making a report under this Act. The
7 Department may, in cooperation with appropriate members of the
8 clergy, distribute appropriate materials in churches,
9 synagogues, temples, mosques, or other religious buildings
10 listing the toll-free telephone number established in Section
11 7.6, including methods of making a report under this Act.

12 Wherever the Statewide number is posted, there shall also
13 be posted the following notice:

14 "Any person who knowingly transmits a false report to the
15 Department commits the offense of disorderly conduct under
16 subsection (a)(7) of Section 26-1 of the Criminal Code of
17 2012. A violation of this subsection is a Class 4 felony."

18 The report required by this Act shall include, if known,
19 the name and address of the child and the child's ~~his~~ parents
20 or other persons having the child's ~~his~~ custody; the child's
21 age; the nature of the child's condition, including any
22 evidence of previous injuries or disabilities; and any other
23 information that the person filing the report believes might
24 be helpful in establishing the cause of such abuse or neglect
25 and the identity of the person believed to have caused such
26 abuse or neglect. Reports made to the central register through

1 the State-wide, toll-free telephone number shall be
2 immediately transmitted by the Department to the appropriate
3 Child Protective Service Unit. All such reports alleging the
4 death of a child, serious injury to a child, including, but not
5 limited to, brain damage, skull fractures, subdural hematomas,
6 and internal injuries, torture of a child, malnutrition of a
7 child, and sexual abuse to a child, including, but not limited
8 to, sexual intercourse, sexual exploitation, sexual
9 molestation, and sexually transmitted disease in a child age
10 12 and under, shall also be immediately transmitted by the
11 Department to the appropriate local law enforcement agency.
12 The Department shall within 24 hours orally notify local law
13 enforcement personnel and the office of the State's Attorney
14 of the involved county of the receipt of any report alleging
15 the death of a child, serious injury to a child, including, but
16 not limited to, brain damage, skull fractures, subdural
17 hematomas, and internal injuries, torture of a child,
18 malnutrition of a child, and sexual abuse to a child,
19 including, but not limited to, sexual intercourse, sexual
20 exploitation, sexual molestation, and sexually transmitted
21 disease in a child age 12 and under. All oral reports made by
22 the Department to local law enforcement personnel and the
23 office of the State's Attorney of the involved county shall be
24 confirmed in writing within 24 hours of the oral report. All
25 reports by persons mandated to report under this Act shall be
26 confirmed in writing to the appropriate Child Protective

1 Service Unit, which may be on forms supplied by the
2 Department, within 48 hours of any initial report.

3 Any report received by the Department alleging the abuse
4 or neglect of a child by a person who is not the child's
5 parent, a member of the child's immediate family, a person
6 responsible for the child's welfare, an individual residing in
7 the same home as the child, or a paramour of the child's parent
8 shall immediately be referred to the appropriate local law
9 enforcement agency for consideration of criminal investigation
10 or other action.

11 Written confirmation reports from persons not required to
12 report by this Act may be made to the appropriate Child
13 Protective Service Unit. Written reports from persons required
14 by this Act to report shall be admissible in evidence in any
15 judicial proceeding or administrative hearing relating to
16 child abuse or neglect. Reports involving known or suspected
17 child abuse or neglect in public or private residential
18 agencies or institutions shall be made and received in the
19 same manner as all other reports made under this Act.

20 For purposes of this Section, "child" includes an adult
21 resident as defined in this Act.

22 (Source: P.A. 101-583, eff. 1-1-20; 102-558, eff. 8-20-21.)

23 (325 ILCS 5/7.3b) (from Ch. 23, par. 2057.3b)

24 Sec. 7.3b. All persons required to report under Section 4
25 may refer to the Department of Human Services any pregnant

1 person in this State who has a substance use disorder as
2 defined in the Substance Use Disorder Act. The Department of
3 Human Services shall notify the local Infant Mortality
4 Reduction Network service provider or Department funded
5 prenatal care provider in the area in which the person
6 resides. The service provider shall prepare a case management
7 plan and assist the pregnant person ~~woman~~ in obtaining
8 counseling and treatment from a local substance use disorder
9 treatment program licensed by the Department of Human Services
10 or a licensed hospital which provides substance abuse
11 treatment services. The local Infant Mortality Reduction
12 Network service provider and Department funded prenatal care
13 provider shall monitor the pregnant person ~~woman~~ through the
14 service program. The Department of Human Services shall have
15 the authority to promulgate rules and regulations to implement
16 this Section.

17 (Source: P.A. 100-759, eff. 1-1-19.)

18 (325 ILCS 5/7.3c)

19 Sec. 7.3c. Substance abuse services for parents ~~women~~ with
20 children.

21 The Department of Human Services and the Department of
22 Children and Family Services shall develop a community based
23 system of integrated child welfare and substance abuse
24 services for the purpose of providing safety and protection
25 for children, improving adult health and parenting outcomes,

1 and improving family outcomes.

2 The Department of Children and Family Services, in
3 cooperation with the Department of Human Services, shall
4 develop case management protocols for DCFS clients with
5 substance abuse problems. The Departments may establish pilot
6 programs designed to test the most effective approaches to
7 case management ~~case management~~. The Departments shall
8 evaluate the effectiveness of these pilot programs and report
9 to the Governor and the General Assembly on an annual basis.

10 (Source: P.A. 89-268, eff. 1-1-96; 89-507, eff. 7-1-97.)

11 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

12 Sec. 7.4. (a) The Department shall be capable of receiving
13 reports of suspected child abuse or neglect 24 hours a day, 7
14 days a week. Whenever the Department receives a report
15 alleging that a child is a truant as defined in Section 26-2a
16 of the School Code, as now or hereafter amended, the
17 Department shall notify the superintendent of the school
18 district in which the child resides and the appropriate
19 superintendent of the educational service region. The
20 notification to the appropriate officials by the Department
21 shall not be considered an allegation of abuse or neglect
22 under this Act.

23 (a-5) The Department of Children and Family Services may
24 implement a "differential response program" in accordance with
25 criteria, standards, and procedures prescribed by rule. The

1 program may provide that, upon receiving a report, the
2 Department shall determine whether to conduct a family
3 assessment or an investigation as appropriate to prevent or
4 provide a remedy for child abuse or neglect.

5 For purposes of this subsection (a-5), "family assessment"
6 means a comprehensive assessment of child safety, risk of
7 subsequent child maltreatment, and family strengths and needs
8 that is applied to a child maltreatment report that does not
9 allege substantial child endangerment. "Family assessment"
10 does not include a determination as to whether child
11 maltreatment occurred but does determine the need for services
12 to address the safety of family members and the risk of
13 subsequent maltreatment.

14 For purposes of this subsection (a-5), "investigation"
15 means fact-gathering related to the current safety of a child
16 and the risk of subsequent abuse or neglect that determines
17 whether a report of suspected child abuse or neglect should be
18 indicated or unfounded and whether child protective services
19 are needed.

20 Under the "differential response program" implemented
21 under this subsection (a-5), the Department:

22 (1) Shall conduct an investigation on reports
23 involving substantial child abuse or neglect.

24 (2) Shall begin an immediate investigation if, at any
25 time when it is using a family assessment response, it
26 determines that there is reason to believe that

1 substantial child abuse or neglect or a serious threat to
2 the child's safety exists.

3 (3) May conduct a family assessment for reports that
4 do not allege substantial child endangerment. In
5 determining that a family assessment is appropriate, the
6 Department may consider issues, including, but not limited
7 to, child safety, parental cooperation, and the need for
8 an immediate response.

9 (4) Shall promulgate criteria, standards, and
10 procedures that shall be applied in making this
11 determination, taking into consideration the Child
12 Endangerment Risk Assessment Protocol of the Department.

13 (5) May conduct a family assessment on a report that
14 was initially screened and assigned for an investigation.

15 In determining that a complete investigation is not
16 required, the Department must document the reason for
17 terminating the investigation and notify the local law
18 enforcement agency or the Illinois State Police if the local
19 law enforcement agency or Illinois State Police is conducting
20 a joint investigation.

21 Once it is determined that a "family assessment" will be
22 implemented, the case shall not be reported to the central
23 register of abuse and neglect reports.

24 During a family assessment, the Department shall collect
25 any available and relevant information to determine child
26 safety, risk of subsequent abuse or neglect, and family

1 strengths.

2 Information collected includes, but is not limited to,
3 when relevant: information with regard to the person reporting
4 the alleged abuse or neglect, including the nature of the
5 reporter's relationship to the child and to the alleged
6 offender, and the basis of the reporter's knowledge for the
7 report; the child allegedly being abused or neglected; the
8 alleged offender; the child's caretaker; and other collateral
9 sources having relevant information related to the alleged
10 abuse or neglect. Information relevant to the assessment must
11 be asked for, and may include:

12 (A) The child's sex and age, prior reports of abuse or
13 neglect, information relating to developmental
14 functioning, credibility of the child's statement, and
15 whether the information provided under this paragraph (A)
16 is consistent with other information collected during the
17 course of the assessment or investigation.

18 (B) The alleged offender's age, a record check for
19 prior reports of abuse or neglect, and criminal charges
20 and convictions. The alleged offender may submit
21 supporting documentation relevant to the assessment.

22 (C) Collateral source information regarding the
23 alleged abuse or neglect and care of the child. Collateral
24 information includes, when relevant: (i) a medical
25 examination of the child; (ii) prior medical records
26 relating to the alleged maltreatment or care of the child

1 maintained by any facility, clinic, or health care
2 professional, and an interview with the treating
3 professionals; and (iii) interviews with the child's
4 caretakers, including the child's parent, guardian, foster
5 parent, child care provider, teachers, counselors, family
6 members, relatives, and other persons who may have
7 knowledge regarding the alleged maltreatment and the care
8 of the child.

9 (D) Information on the existence of domestic abuse and
10 violence in the home of the child, and substance abuse.

11 Nothing in this subsection (a-5) precludes the Department
12 from collecting other relevant information necessary to
13 conduct the assessment or investigation. Nothing in this
14 subsection (a-5) shall be construed to allow the name or
15 identity of a reporter to be disclosed in violation of the
16 protections afforded under Section 7.19 of this Act.

17 After conducting the family assessment, the Department
18 shall determine whether services are needed to address the
19 safety of the child and other family members and the risk of
20 subsequent abuse or neglect.

21 Upon completion of the family assessment, if the
22 Department concludes that no services shall be offered, then
23 the case shall be closed. If the Department concludes that
24 services shall be offered, the Department shall develop a
25 family preservation plan and offer or refer services to the
26 family.

1 At any time during a family assessment, if the Department
2 believes there is any reason to stop the assessment and
3 conduct an investigation based on the information discovered,
4 the Department shall do so.

5 The procedures available to the Department in conducting
6 investigations under this Act shall be followed as appropriate
7 during a family assessment.

8 If the Department implements a differential response
9 program authorized under this subsection (a-5), the Department
10 shall arrange for an independent evaluation of the program for
11 at least the first 3 years of implementation to determine
12 whether it is meeting the goals in accordance with Section 2 of
13 this Act.

14 The Department may adopt administrative rules necessary
15 for the execution of this Section, in accordance with Section
16 4 of the Children and Family Services Act.

17 The Department shall submit a report to the General
18 Assembly by January 15, 2018 on the implementation progress
19 and recommendations for additional needed legislative changes.

20 (b)(1) The following procedures shall be followed in the
21 investigation of all reports of suspected abuse or neglect of
22 a child, except as provided in subsection (c) of this Section.

23 (2) If, during a family assessment authorized by
24 subsection (a-5) or an investigation, it appears that the
25 immediate safety or well-being of a child is endangered, that
26 the family may flee or the child disappear, or that the facts

1 otherwise so warrant, the Child Protective Service Unit shall
2 commence an investigation immediately, regardless of the time
3 of day or night. All other investigations shall be commenced
4 within 24 hours of receipt of the report. Upon receipt of a
5 report, the Child Protective Service Unit shall conduct a
6 family assessment authorized by subsection (a-5) or begin an
7 initial investigation and make an initial determination
8 whether the report is a good faith indication of alleged child
9 abuse or neglect.

10 (3) Based on an initial investigation, if the Unit
11 determines the report is a good faith indication of alleged
12 child abuse or neglect, then a formal investigation shall
13 commence and, pursuant to Section 7.12 of this Act, may or may
14 not result in an indicated report. The formal investigation
15 shall include: direct contact with the subject or subjects of
16 the report as soon as possible after the report is received; an
17 evaluation of the environment of the child named in the report
18 and any other children in the same environment; a
19 determination of the risk to such children if they continue to
20 remain in the existing environments, as well as a
21 determination of the nature, extent and cause of any condition
22 enumerated in such report; the name, age and condition of
23 other children in the environment; and an evaluation as to
24 whether there would be an immediate and urgent necessity to
25 remove the child from the environment if appropriate family
26 preservation services were provided. After seeing to the

1 safety of the child or children, the Department shall
2 forthwith notify the subjects of the report in writing, of the
3 existence of the report and their rights existing under this
4 Act in regard to amendment or expungement. To fulfill the
5 requirements of this Section, the Child Protective Service
6 Unit shall have the capability of providing or arranging for
7 comprehensive emergency services to children and families at
8 all times of the day or night.

9 (4) If (i) at the conclusion of the Unit's initial
10 investigation of a report, the Unit determines the report to
11 be a good faith indication of alleged child abuse or neglect
12 that warrants a formal investigation by the Unit, the
13 Department, any law enforcement agency or any other
14 responsible agency and (ii) the person who is alleged to have
15 caused the abuse or neglect is employed or otherwise engaged
16 in an activity resulting in frequent contact with children and
17 the alleged abuse or neglect are in the course of such
18 employment or activity, then the Department shall, except in
19 investigations where the Director determines that such
20 notification would be detrimental to the Department's
21 investigation, inform the appropriate supervisor or
22 administrator of that employment or activity that the Unit has
23 commenced a formal investigation pursuant to this Act, which
24 may or may not result in an indicated report. The Department
25 shall also notify the person being investigated, unless the
26 Director determines that such notification would be

1 detrimental to the Department's investigation.

2 (c) In an investigation of a report of suspected abuse or
3 neglect of a child by a school employee at a school or on
4 school grounds, the Department shall make reasonable efforts
5 to follow the following procedures:

6 (1) Investigations involving teachers shall not, to
7 the extent possible, be conducted when the teacher is
8 scheduled to conduct classes. Investigations involving
9 other school employees shall be conducted so as to
10 minimize disruption of the school day. The school employee
11 accused of child abuse or neglect may have the school
12 employee's ~~his~~ superior, the school employee's ~~his~~
13 association or union representative and the school
14 employee's ~~his~~ attorney present at any interview or
15 meeting at which the teacher or administrator is present.
16 The accused school employee shall be informed by a
17 representative of the Department, at any interview or
18 meeting, of the accused school employee's due process
19 rights and of the steps in the investigation process.
20 These due process rights shall also include the right of
21 the school employee to present countervailing evidence
22 regarding the accusations. In an investigation in which
23 the alleged perpetrator of abuse or neglect is a school
24 employee, including, but not limited to, a school teacher
25 or administrator, and the recommendation is to determine
26 the report to be indicated, in addition to other

1 procedures as set forth and defined in Department rules
2 and procedures, the employee's due process rights shall
3 also include: (i) the right to a copy of the investigation
4 summary; (ii) the right to review the specific allegations
5 which gave rise to the investigation; and (iii) the right
6 to an administrator's teleconference which shall be
7 convened to provide the school employee with the
8 opportunity to present documentary evidence or other
9 information that supports the school employee's ~~his or her~~
10 position and to provide information before a final finding
11 is entered.

12 (2) If a report of neglect or abuse of a child by a
13 teacher or administrator does not involve allegations of
14 sexual abuse or extreme physical abuse, the Child
15 Protective Service Unit shall make reasonable efforts to
16 conduct the initial investigation in coordination with the
17 employee's supervisor.

18 If the Unit determines that the report is a good faith
19 indication of potential child abuse or neglect, it shall
20 then commence a formal investigation under paragraph (3)
21 of subsection (b) of this Section.

22 (3) If a report of neglect or abuse of a child by a
23 teacher or administrator involves an allegation of sexual
24 abuse or extreme physical abuse, the Child Protective Unit
25 shall commence an investigation under paragraph (2) of
26 subsection (b) of this Section.

1 (c-5) In any instance in which a report is made or caused
2 to made by a school district employee involving the conduct of
3 a person employed by the school district, at the time the
4 report was made, as required under Section 4 of this Act, the
5 Child Protective Service Unit shall send a copy of its final
6 finding report to the general superintendent of that school
7 district.

8 (c-10) The Department may recommend that a school district
9 remove a school employee who is the subject of an
10 investigation from the school employee's ~~his or her~~ employment
11 position pending the outcome of the investigation; however,
12 all employment decisions regarding school personnel shall be
13 the sole responsibility of the school district or employer.
14 The Department may not require a school district to remove a
15 school employee from the school employee's ~~his or her~~
16 employment position or limit the school employee's duties
17 pending the outcome of an investigation.

18 (d) If the Department has contact with an employer, or
19 with a religious institution or religious official having
20 supervisory or hierarchical authority over a member of the
21 clergy accused of the abuse of a child, in the course of its
22 investigation, the Department shall notify the employer or the
23 religious institution or religious official, in writing, when
24 a report is unfounded so that any record of the investigation
25 can be expunged from the employee's or member of the clergy's
26 personnel or other records. The Department shall also notify

1 the employee or the member of the clergy, in writing, that
2 notification has been sent to the employer or to the
3 appropriate religious institution or religious official
4 informing the employer or religious institution or religious
5 official that the Department's investigation has resulted in
6 an unfounded report.

7 (d-1) Whenever a report alleges that a child was abused or
8 neglected while receiving care in a hospital, including a
9 freestanding psychiatric hospital licensed by the Department
10 of Public Health, the Department shall send a copy of its final
11 finding to the Director of Public Health and the Director of
12 Healthcare and Family Services.

13 (e) Upon request by the Department, the Illinois State
14 Police and law enforcement agencies are authorized to provide
15 criminal history record information as defined in the Illinois
16 Uniform Conviction Information Act and information maintained
17 in the adjudicatory and dispositional record system as defined
18 in Section 2605-355 of the Illinois State Police Law to
19 properly designated employees of the Department of Children
20 and Family Services if the Department determines the
21 information is necessary to perform its duties under the
22 Abused and Neglected Child Reporting Act, the Child Care Act
23 of 1969, and the Children and Family Services Act. The request
24 shall be in the form and manner required by the Illinois State
25 Police. Any information obtained by the Department of Children
26 and Family Services under this Section is confidential and may

1 not be transmitted outside the Department of Children and
2 Family Services other than to a court of competent
3 jurisdiction or unless otherwise authorized by law. Any
4 employee of the Department of Children and Family Services who
5 transmits confidential information in violation of this
6 Section or causes the information to be transmitted in
7 violation of this Section is guilty of a Class A misdemeanor
8 unless the transmittal of the information is authorized by
9 this Section or otherwise authorized by law.

10 (f) For purposes of this Section, "child abuse or neglect"
11 includes abuse or neglect of an adult resident as defined in
12 this Act.

13 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

14 (325 ILCS 5/7.9) (from Ch. 23, par. 2057.9)

15 Sec. 7.9. The Department shall prepare, print, and
16 distribute initial, preliminary, and final reporting forms to
17 each Child Protective Service Unit. Initial written reports
18 from the reporting source shall contain the following
19 information to the extent known at the time the report is made:

20 (1) the names and addresses of the child and the child's ~~his~~
21 parents or other persons responsible for the child's ~~his~~
22 welfare; (1.5) the name and address of the school that the
23 child attends (or the school that the child last attended, if
24 the report is written during the summer when school is not in
25 session), and the name of the school district in which the

1 school is located, if applicable; (2) the child's age, sex,
2 and race; (3) the nature and extent of the child's abuse or
3 neglect, including any evidence of prior injuries, abuse, or
4 neglect of the child or the child's ~~his~~ siblings; (4) the names
5 of the persons apparently responsible for the abuse or
6 neglect; (5) family composition, including names, ages, sexes,
7 and races of other children in the home; (6) the name of the
8 person making the report, the reporter's ~~his~~ occupation, and
9 where the reporter ~~he~~ can be reached; (7) the actions taken by
10 the reporting source, including the taking of photographs and
11 x-rays, placing the child in temporary protective custody, or
12 notifying the medical examiner or coroner; and (8) any other
13 information the person making the report believes might be
14 helpful in the furtherance of the purposes of this Act.

15 (Source: P.A. 92-295, eff. 1-1-02; 92-651, eff. 7-11-02.)

16 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

17 Sec. 7.14. All reports in the central register shall be
18 classified in one of three categories: "indicated",
19 "unfounded" or "undetermined", as the case may be. Prior to
20 classifying the report, the Department shall determine whether
21 the report is subject to Department review under Section
22 7.22a. If the report is subject to Department review, the
23 report shall not be classified as unfounded until the review
24 is completed. Prior to classifying the report, the person
25 making the classification shall determine whether the child

1 named in the report is the subject of an action under Article V
2 of the Juvenile Court Act of 1987 who is in the custody or
3 guardianship of the Department or who has an open intact
4 family services case with the Department or is the subject of
5 an action under Article II of the Juvenile Court Act of 1987.
6 If the child either is the subject of an action under Article V
7 of the Juvenile Court Act of 1987 and is in the custody or
8 guardianship of the Department or has an open intact family
9 services case with the Department or is the subject of an
10 action under Article II of the Juvenile Court Act of 1987 and
11 the Department intends to classify the report as indicated,
12 the Department shall, within 45 days of classification of the
13 report, transmit a copy of the report to the attorney or
14 guardian ad litem appointed for the child under Section 2-17
15 of the Juvenile Court Act of 1987 or to a guardian ad litem
16 appointed under Section 5-610 of the Juvenile Court Act of
17 1987. If the child either is the subject of an action under
18 Article V of the Juvenile Court Act of 1987 and is in the
19 custody or guardianship of the Department or has an open
20 intact family services case with the Department or is the
21 subject of an action under Article II of the Juvenile Court Act
22 of 1987 and the Department intends to classify the report as
23 unfounded, the Department shall, within 45 days of deciding
24 its intent to classify the report as unfounded, transmit a
25 copy of the report and written notice of the Department's
26 intent to the attorney or guardian ad litem appointed for the

1 child under Section 2-17 of the Juvenile Court Act of 1987, or
2 to a guardian ad litem appointed under Section 5-610 of the
3 Juvenile Court Act of 1987. The Department's obligation under
4 this Section to provide reports to a guardian ad litem
5 appointed under Section 5-610 of the Juvenile Court Act of
6 1987 for a minor with an open intact family services case
7 applies only if the guardian ad litem notified the Department
8 in writing of the representation. All information identifying
9 the subjects of an unfounded report shall be expunged from the
10 register forthwith, except as provided in Section 7.7.
11 Unfounded reports may only be made available to the Child
12 Protective Service Unit when investigating a subsequent report
13 of suspected abuse or maltreatment involving a child named in
14 the unfounded report; and to the subject of the report,
15 provided the Department has not expunged the file in
16 accordance with Section 7.7. The Child Protective Service Unit
17 shall not indicate the subsequent report solely based upon the
18 existence of the prior unfounded report or reports.
19 Notwithstanding any other provision of law to the contrary, an
20 unfounded report shall not be admissible in any judicial or
21 administrative proceeding or action except for proceedings
22 under Sections 2-10 and 2-21 of the Juvenile Court Act of 1987
23 involving a petition filed under Section 2-13 of the Juvenile
24 Court Act of 1987 alleging abuse or neglect to the same child,
25 a sibling of the child, the same perpetrator, or a member of
26 the child's household. Identifying information on all other

1 records shall be removed from the register no later than 5
2 years after the report is indicated. However, if another
3 report is received involving the same child, the child's ~~his~~
4 sibling or offspring, or a child in the care of the persons
5 responsible for the child's welfare, or involving the same
6 alleged offender, the identifying information may be
7 maintained in the register until 5 years after the subsequent
8 case or report is closed.

9 Notwithstanding any other provision of this Section,
10 identifying information in indicated reports involving serious
11 physical injury to a child as defined by the Department in
12 rules, may be retained longer than 5 years after the report is
13 indicated or after the subsequent case or report is closed,
14 and may not be removed from the register except as provided by
15 the Department in rules. Identifying information in indicated
16 reports involving sexual penetration of a child, sexual
17 molestation of a child, sexual exploitation of a child,
18 torture of a child, or the death of a child, as defined by the
19 Department in rules, shall be retained for a period of not less
20 than 50 years after the report is indicated or after the
21 subsequent case or report is closed.

22 For purposes of this Section, "child" includes an adult
23 resident as defined in this Act.

24 (Source: P.A. 101-528, eff. 8-23-19; 102-532, eff. 8-20-21.)

1 Sec. 7.16. For any investigation or appeal initiated on or
2 after, or pending on July 1, 1998, the following time frames
3 shall apply. Within 60 days after the notification of the
4 completion of the Child Protective Service Unit investigation,
5 determined by the date of the notification sent by the
6 Department, the perpetrator named in the notification may
7 request the Department to amend the record or remove the
8 record of the report from the register, except that the 60-day
9 deadline for filing a request to amend the record or remove the
10 record of the report from the State Central Register shall be
11 tolled until after the conclusion of any criminal court action
12 in the circuit court or after adjudication in any juvenile
13 court action concerning the circumstances that give rise to an
14 indicated report. Such request shall be in writing and
15 directed to such person as the Department designates in the
16 notification letter notifying the perpetrator of the indicated
17 finding. The perpetrator shall have the right to a timely
18 hearing within the Department to determine whether the record
19 of the report should be amended or removed on the grounds that
20 it is inaccurate or it is being maintained in a manner
21 inconsistent with this Act, except that there shall be no such
22 right to a hearing on the ground of the report's inaccuracy if
23 there has been a court finding of child abuse or neglect or a
24 criminal finding of guilt as to the perpetrator. Such hearing
25 shall be held within a reasonable time after the perpetrator's
26 request and at a reasonable place and hour. The appropriate

1 Child Protective Service Unit shall be given notice of the
2 hearing. If the minor, who is the victim named in the report
3 sought to be amended or removed from the State Central
4 Register, is the subject of a pending action under Article V of
5 the Juvenile Court Act of 1987 and is in the custody or
6 guardianship of the Department or has an open intact family
7 services case with the Department or is the subject of a
8 pending action under Article II of the Juvenile Court Act of
9 1987, and the report was made while a guardian ad litem was
10 appointed for the minor under Section 5-610 or 2-17 of the
11 Juvenile Court Act of 1987, then the minor shall, through the
12 minor's attorney or guardian ad litem appointed under Section
13 5-610 or 2-17 of the Juvenile Court Act of 1987, have the right
14 to participate and be heard in such hearing as defined under
15 the Department's rules. The Department's obligation under this
16 Section to provide a minor with a guardian ad litem appointed
17 under Section 5-610 of the Juvenile Court Act of 1987 and an
18 open intact family services case with the right to participate
19 and be heard applies only if the guardian ad litem notified the
20 Department in writing of the representation. In such hearings,
21 the burden of proving the accuracy and consistency of the
22 record shall be on the Department and the appropriate Child
23 Protective Service Unit. The hearing shall be conducted by the
24 Director or the Director's ~~his~~ designee, who is hereby
25 authorized and empowered to order the amendment or removal of
26 the record to make it accurate and consistent with this Act.

1 The decision shall be made, in writing, at the close of the
2 hearing, or within 60 days thereof, and shall state the
3 reasons upon which it is based. Decisions of the Department
4 under this Section are administrative decisions subject to
5 judicial review under the Administrative Review Law.

6 Should the Department grant the request of the perpetrator
7 pursuant to this Section either on administrative review or
8 after an administrative hearing to amend an indicated report
9 to an unfounded report, the report shall be released and
10 expunged in accordance with the standards set forth in Section
11 7.14 of this Act.

12 (Source: P.A. 100-158, eff. 1-1-18.)

13 (325 ILCS 5/7.19) (from Ch. 23, par. 2057.19)

14 Sec. 7.19. Upon request, a subject of a report shall be
15 entitled to receive a copy of all information contained in the
16 central register pertaining to the subject's ~~his~~ case.
17 However, the Department may prohibit the release of data that
18 would identify or locate a person who, in good faith, made a
19 report or cooperated in a subsequent investigation. In
20 addition, the Department may seek a court order from the
21 circuit court prohibiting the release of any information which
22 the court finds is likely to be harmful to the subject of the
23 report.

24 (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.

26 (5) A person authorized under Section 5 of this Act to

1 place a child in temporary protective custody when such
2 person requires the information in the report or record to
3 determine whether to place the child in temporary
4 protective custody.

5 (6) A person having the legal responsibility or
6 authorization to care for, treat, or supervise a child, or
7 a parent, prospective adoptive parent, foster parent,
8 guardian, or other person responsible for the child's
9 welfare, who is the subject of a report.

10 (7) Except in regard to harmful or detrimental
11 information as provided in Section 7.19, any subject of
12 the report, and if the subject of the report is a minor,
13 the minor's ~~his~~ guardian or guardian ad litem.

14 (8) A court, upon its finding that access to such
15 records may be necessary for the determination of an issue
16 before such court; however, such access shall be limited
17 to in camera inspection, unless the court determines that
18 public disclosure of the information contained therein is
19 necessary for the resolution of an issue then pending
20 before it.

21 (8.1) A probation officer or other authorized
22 representative of a probation or court services department
23 conducting an investigation ordered by a court under the
24 Juvenile Court Act of 1987.

25 (9) A grand jury, upon its determination that access
26 to such records is necessary in the conduct of its

1 official business.

2 (10) Any person authorized by the Director, in
3 writing, for audit or bona fide research purposes.

4 (11) Law enforcement agencies, coroners or medical
5 examiners, physicians, courts, school superintendents and
6 child welfare agencies in other states who are responsible
7 for child abuse or neglect investigations or background
8 investigations.

9 (12) The Department of Financial and Professional
10 Regulation, the State Board of Education and school
11 superintendents in Illinois, who may use or disclose
12 information from the records as they deem necessary to
13 conduct investigations or take disciplinary action, as
14 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,
21 4-21, 4-22, 4-23, 4-24, 4-25, 4-26, 4-27, 4-29, 5-101, 5-105,
22 5-110, 5-120, 5-130, 5-145, 5-150, 5-155, 5-160, 5-170, 5-301,
23 5-305, 5-310, 5-401, 5-401.5, 5-401.6, 5-405, 5-407, 5-410,
24 5-415, 5-501, 5-505, 5-520, 5-525, 5-530, 5-601, 5-605, 5-610,

1 5-615, 5-620, 5-625, 5-705, 5-710, 5-711, 5-715, 5-720, 5-725,
2 5-730, 5-735, 5-740, 5-745, 5-750, 5-755, 5-7A-105, 5-7A-115,
3 5-810, 5-815, 5-820, 5-901, 5-905, 5-910, 5-915, 5-920, 6-1,
4 6-3, 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 Sec. 1-7. Confidentiality of juvenile law enforcement and
2 municipal ordinance violation records.

3 (A) All juvenile law enforcement records which have not
4 been expunged are confidential and may never be disclosed to
5 the general public or otherwise made widely available.
6 Juvenile law enforcement records may be obtained only under
7 this Section and Section 1-8 and Part 9 of Article V of this
8 Act, when their use is needed for good cause and with an order
9 from the juvenile court, as required by those not authorized
10 to retain them. Inspection, copying, and disclosure of
11 juvenile law enforcement records maintained by law enforcement
12 agencies or records of municipal ordinance violations
13 maintained by any State, local, or municipal agency that
14 relate to a minor who has been investigated, arrested, or
15 taken into custody before the minor's ~~his or her~~ 18th birthday
16 shall be restricted to the following:

17 (0.05) The minor who is the subject of the juvenile
18 law enforcement record, the minor's ~~his or her~~ parents,
19 guardian, and counsel.

20 (0.10) Judges of the circuit court and members of the
21 staff of the court designated by the judge.

22 (0.15) An administrative adjudication hearing officer
23 or members of the staff designated to assist in the
24 administrative adjudication process.

25 (1) Any local, State, or federal law enforcement
26 officers or designated law enforcement staff of any

1 jurisdiction or agency when necessary for the discharge of
2 their official duties during the investigation or
3 prosecution of a crime or relating to a minor who has been
4 adjudicated delinquent and there has been a previous
5 finding that the act which constitutes the previous
6 offense was committed in furtherance of criminal
7 activities by a criminal street gang, or, when necessary
8 for the discharge of its official duties in connection
9 with a particular investigation of the conduct of a law
10 enforcement officer, an independent agency or its staff
11 created by ordinance and charged by a unit of local
12 government with the duty of investigating the conduct of
13 law enforcement officers. 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 (2) Prosecutors, public defenders, probation officers,
18 social workers, or other individuals assigned by the court
19 to conduct a pre-adjudication or pre-disposition
20 investigation, and individuals responsible for supervising
21 or providing temporary or permanent care and custody for
22 minors under the order of the juvenile court, when
23 essential to performing their responsibilities.

24 (3) Federal, State, or local prosecutors, public
25 defenders, probation officers, and designated staff:

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required
2 under Section 5-805;

3 (b) when institution of criminal proceedings has
4 been permitted or required under Section 5-805 and the
5 minor is the subject of a proceeding to determine the
6 conditions of pretrial release;

7 (c) when criminal proceedings have been permitted
8 or required under Section 5-805 and the minor is the
9 subject of a pre-trial investigation, pre-sentence
10 investigation, fitness hearing, or proceedings on an
11 application for probation; or

12 (d) in the course of prosecution or administrative
13 adjudication of a violation of a traffic, boating, or
14 fish and game law, or a county or municipal ordinance.

15 (4) Adult and Juvenile Prisoner Review Board.

16 (5) Authorized military personnel.

17 (5.5) Employees of the federal government authorized
18 by law.

19 (6) Persons engaged in bona fide research, with the
20 permission of the Presiding Judge and the chief executive
21 of the respective law enforcement agency; provided that
22 publication of such research results in no disclosure of a
23 minor's identity and protects the confidentiality of the
24 minor's record.

25 (7) Department of Children and Family Services child
26 protection investigators acting in their official

1 capacity.

2 (8) 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.

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;
22 102-752, eff. 1-1-23; 102-813, eff. 5-13-22.)

23 (705 ILCS 405/1-8)

24 Sec. 1-8. Confidentiality and accessibility of juvenile
25 court records.

1 (A) A juvenile adjudication shall never be considered a
2 conviction nor shall an adjudicated individual be considered a
3 criminal. Unless expressly allowed by law, a juvenile
4 adjudication shall not operate to impose upon the individual
5 any of the civil disabilities ordinarily imposed by or
6 resulting from conviction. Unless expressly allowed by law,
7 adjudications shall not prejudice or disqualify the individual
8 in any civil service application or appointment, from holding
9 public office, or from receiving any license granted by public
10 authority. All juvenile court records which have not been
11 expunged are sealed and may never be disclosed to the general
12 public or otherwise made widely available. Sealed juvenile
13 court records may be obtained only under this Section and
14 Section 1-7 and Part 9 of Article V of this Act, when their use
15 is needed for good cause and with an order from the juvenile
16 court. Inspection and copying of juvenile court records
17 relating to a minor who is the subject of a proceeding under
18 this Act shall be restricted to the following:

19 (1) The minor who is the subject of record, the
20 minor's ~~his or her~~ parents, guardian, and counsel.

21 (2) Law enforcement officers and law enforcement
22 agencies when such information is essential to executing
23 an arrest or search warrant or other compulsory process,
24 or to conducting an ongoing investigation or relating to a
25 minor who has been adjudicated delinquent and there has
26 been a previous finding that the act which constitutes the

1 previous offense was committed in furtherance of criminal
2 activities by a criminal street gang.

3 Before July 1, 1994, for the purposes of this Section,
4 "criminal street gang" means any ongoing organization,
5 association, or group of 3 or more persons, whether formal
6 or informal, having as one of its primary activities the
7 commission of one or more criminal acts and that has a
8 common name or common identifying sign, symbol or specific
9 color apparel displayed, and whose members individually or
10 collectively engage in or have engaged in a pattern of
11 criminal activity.

12 Beginning July 1, 1994, 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 (3) Judges, hearing officers, prosecutors, public
17 defenders, probation officers, social workers, or other
18 individuals assigned by the court to conduct a
19 pre-adjudication or pre-disposition investigation, and
20 individuals responsible for supervising or providing
21 temporary or permanent care and custody for minors under
22 the order of the juvenile court when essential to
23 performing their responsibilities.

24 (4) Judges, federal, State, and local prosecutors,
25 public defenders, probation officers, and designated
26 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 criminal proceedings have been permitted
5 or required under Section 5-805 and a minor is the
6 subject of a proceeding to determine the conditions of
7 pretrial release;

8 (c) when criminal proceedings have been permitted
9 or required under Section 5-805 and a minor is the
10 subject of a pre-trial investigation, pre-sentence
11 investigation or fitness hearing, or proceedings on an
12 application for probation; or

13 (d) when a minor becomes 18 years of age or older,
14 and is the subject of criminal proceedings, including
15 a hearing to determine the conditions of pretrial
16 release, a pre-trial investigation, a pre-sentence
17 investigation, a fitness hearing, or proceedings on an
18 application for probation.

19 (5) Adult and Juvenile Prisoner Review Boards.

20 (6) Authorized military personnel.

21 (6.5) Employees of the federal government authorized
22 by law.

23 (7) Victims, their subrogees and legal
24 representatives; however, such persons shall have access
25 only to the name and address of the minor and information
26 pertaining to the disposition or alternative adjustment

1 plan of the juvenile court.

2 (8) Persons engaged in bona fide research, with the
3 permission of the presiding judge of the juvenile court
4 and the chief executive of the agency that prepared the
5 particular records; provided that publication of such
6 research results in no disclosure of a minor's identity
7 and protects the confidentiality of the record.

8 (9) The Secretary of State to whom the Clerk of the
9 Court shall report the disposition of all cases, as
10 required in Section 6-204 of the Illinois Vehicle Code.
11 However, information reported relative to these offenses
12 shall be privileged and available only to the Secretary of
13 State, courts, and police officers.

14 (10) The administrator of a bonafide substance abuse
15 student assistance program with the permission of the
16 presiding judge of the juvenile court.

17 (11) Mental health professionals on behalf of the
18 Department of Corrections or the Department of Human
19 Services or prosecutors who are evaluating, prosecuting,
20 or investigating a potential or actual petition brought
21 under the Sexually Violent Persons Commitment Act relating
22 to a person who is the subject of juvenile court records or
23 the respondent to a petition brought under the Sexually
24 Violent Persons Commitment Act, who is the subject of
25 juvenile court records sought. Any records and any
26 information obtained from those records under this

1 paragraph (11) may be used only in sexually violent
2 persons commitment proceedings.

3 (12) Collection agencies, contracted or otherwise
4 engaged by a governmental entity, to collect any debts due
5 and owing to the governmental entity.

6 (A-1) Findings and exclusions of paternity entered in
7 proceedings occurring under Article II of this Act shall be
8 disclosed, in a manner and form approved by the Presiding
9 Judge of the Juvenile Court, to the Department of Healthcare
10 and Family Services when necessary to discharge the duties of
11 the Department of Healthcare and Family Services under Article
12 X of the Illinois Public Aid Code.

13 (B) A minor who is the victim in a juvenile proceeding
14 shall be provided the same confidentiality regarding
15 disclosure of identity as the minor who is the subject of
16 record.

17 (C) (0.1) In cases where the records concern a pending
18 juvenile court case, the requesting party seeking to inspect
19 the juvenile court records shall provide actual notice to the
20 attorney or guardian ad litem of the minor whose records are
21 sought.

22 (0.2) In cases where the juvenile court records concern a
23 juvenile court case that is no longer pending, the requesting
24 party seeking to inspect the juvenile court records shall
25 provide actual notice to the minor or the minor's parent or
26 legal guardian, and the matter shall be referred to the chief

1 judge presiding over matters pursuant to this Act.

2 (0.3) In determining whether juvenile court records should
3 be made available for inspection and whether inspection should
4 be limited to certain parts of the file, the court shall
5 consider the minor's interest in confidentiality and
6 rehabilitation over the requesting party's interest in
7 obtaining the information. The State's Attorney, the minor,
8 and the minor's parents, guardian, and counsel shall at all
9 times have the right to examine court files and records.

10 (0.4) Any records obtained in violation of this Section
11 shall not be admissible in any criminal or civil proceeding,
12 or operate to disqualify a minor from subsequently holding
13 public office, or operate as a forfeiture of any public
14 benefit, right, privilege, or right to receive any license
15 granted by public authority.

16 (D) Pending or following any adjudication of delinquency
17 for any offense defined in Sections 11-1.20 through 11-1.60 or
18 12-13 through 12-16 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, the victim of any such offense shall
20 receive the rights set out in Sections 4 and 6 of the Bill of
21 Rights for Victims and Witnesses of Violent Crime Act; and the
22 juvenile who is the subject of the adjudication,
23 notwithstanding any other provision of this Act, shall be
24 treated as an adult for the purpose of affording such rights to
25 the victim.

26 (E) Nothing in this Section shall affect the right of a

1 Civil Service Commission or appointing authority of the
2 federal government, or any state, county, or municipality
3 examining the character and fitness of an applicant for
4 employment with a law enforcement agency, correctional
5 institution, or fire department to ascertain whether that
6 applicant was ever adjudicated to be a delinquent minor and,
7 if so, to examine the records of disposition or evidence which
8 were made in proceedings under this Act.

9 (F) Following any adjudication of delinquency for a crime
10 which would be a felony if committed by an adult, or following
11 any adjudication of delinquency for a violation of Section
12 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, the State's Attorney shall ascertain
14 whether the minor respondent is enrolled in school and, if so,
15 shall provide a copy of the dispositional order to the
16 principal or chief administrative officer of the school.
17 Access to the dispositional order shall be limited to the
18 principal or chief administrative officer of the school and
19 any school counselor designated by the principal or chief
20 administrative officer ~~him or her~~.

21 (G) Nothing contained in this Act prevents the sharing or
22 disclosure of information or records relating or pertaining to
23 juveniles subject to the provisions of the Serious Habitual
24 Offender Comprehensive Action Program when that information is
25 used to assist in the early identification and treatment of
26 habitual juvenile offenders.

1 (H) When a court hearing a proceeding under Article II of
2 this Act becomes aware that an earlier proceeding under
3 Article II had been heard in a different county, that court
4 shall request, and the court in which the earlier proceedings
5 were initiated shall transmit, an authenticated copy of the
6 juvenile court record, including all documents, petitions, and
7 orders filed and the minute orders, transcript of proceedings,
8 and docket entries of the court.

9 (I) The Clerk of the Circuit Court shall report to the
10 Illinois State Police, in the form and manner required by the
11 Illinois State Police, the final disposition of each minor who
12 has been arrested or taken into custody before the minor's ~~his~~
13 ~~or her~~ 18th birthday for those offenses required to be
14 reported under Section 5 of the Criminal Identification Act.
15 Information reported to the Department under this Section may
16 be maintained with records that the Department files under
17 Section 2.1 of the Criminal Identification Act.

18 (J) The changes made to this Section by Public Act 98-61
19 apply to juvenile law enforcement records of a minor who has
20 been arrested or taken into custody on or after January 1, 2014
21 (the effective date of Public Act 98-61).

22 (K) Willful violation of this Section is a Class C
23 misdemeanor and each violation is subject to a fine of \$1,000.
24 This subsection (K) shall not apply to the person who is the
25 subject of the record.

26 (L) A person convicted of violating this Section is liable

1 for damages in the amount of \$1,000 or actual damages,
2 whichever is greater.

3 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
4 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 (705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

6 Sec. 1-9. Expungement of law enforcement and juvenile
7 court records.

8 (1) Expungement of law enforcement and juvenile court
9 delinquency records shall be governed by Part 9 of Article V of
10 this Act.

11 (2) This subsection (2) applies to expungement of law
12 enforcement and juvenile court records other than delinquency
13 proceedings. Whenever any person has attained the age of 18 or
14 whenever all juvenile court proceedings relating to that
15 person have been terminated, whichever is later, the person
16 may petition the court to expunge law enforcement records
17 relating to incidents occurring before the minor's ~~his~~ 18th
18 birthday or the minor's ~~his~~ juvenile court records, or both,
19 if the minor was placed under supervision pursuant to Sections
20 2-20, 3-21, or 4-18, and such order of supervision has since
21 been successfully terminated.

22 (3) The chief judge of the circuit in which an arrest was
23 made or a charge was brought or any judge of that circuit
24 designated by the chief judge may, upon verified petition of a
25 person who is the subject of an arrest or a juvenile court

1 proceeding pursuant to subsection (2) of this Section, order
2 the law enforcement records or juvenile court records, or
3 both, to be expunged from the official records of the
4 arresting authority and the clerk of the circuit court. Notice
5 of the petition shall be served upon the State's Attorney and
6 upon the arresting authority which is the subject of the
7 petition for expungement.

8 (4) The changes made to this Section by this amendatory
9 Act of the 98th General Assembly apply to law enforcement and
10 juvenile court records of a minor who has been arrested or
11 taken into custody on or after the effective date of this
12 amendatory Act.

13 (Source: P.A. 100-1162, eff. 12-20-18.)

14 (705 ILCS 405/2-1) (from Ch. 37, par. 802-1)

15 Sec. 2-1. Jurisdictional facts. Proceedings may be
16 instituted under the provisions of this Article concerning
17 minors ~~boys and girls~~ who are abused, neglected or dependent,
18 as defined in Sections 2-3 or 2-4.

19 (Source: P.A. 85-601.)

20 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

21 Sec. 2-3. Neglected or abused minor.

22 (1) Those who are neglected include:

23 (a) any minor under 18 years of age or a minor 18 years
24 of age or older for whom the court has made a finding of

1 probable cause to believe that the minor is abused,
2 neglected, or dependent under subsection (1) of Section
3 2-10 prior to the minor's 18th birthday who is not
4 receiving the proper or necessary support, education as
5 required by law, or medical or other remedial care
6 recognized under State law as necessary for a minor's
7 well-being, or other care necessary for the minor's ~~his or~~
8 ~~her~~ well-being, including adequate food, clothing and
9 shelter, or who is abandoned by the minor's ~~his or her~~
10 parent or parents or other person or persons responsible
11 for the minor's welfare, except that a minor shall not be
12 considered neglected for the sole reason that the minor's
13 parent or parents or other person or persons responsible
14 for the minor's welfare have left the minor in the care of
15 an adult relative for any period of time, who the parent or
16 parents or other person responsible for the minor's
17 welfare know is both a mentally capable adult relative and
18 physically capable adult relative, as defined by this Act;
19 or

20 (b) any minor under 18 years of age or a minor 18 years
21 of age or older for whom the court has made a finding of
22 probable cause to believe that the minor is abused,
23 neglected, or dependent under subsection (1) of Section
24 2-10 prior to the minor's 18th birthday whose environment
25 is injurious to the minor's ~~his or her~~ welfare; or

26 (c) any newborn infant whose blood, urine, or meconium

1 contains any amount of a controlled substance as defined
2 in subsection (f) of Section 102 of the Illinois
3 Controlled Substances Act, as now or hereafter amended, or
4 a metabolite of a controlled substance, with the exception
5 of controlled substances or metabolites of such
6 substances, the presence of which in the newborn infant is
7 the result of medical treatment administered to the person
8 who gave birth ~~mother~~ or the newborn infant; or

9 (d) any minor under the age of 14 years whose parent or
10 other person responsible for the minor's welfare leaves
11 the minor without supervision for an unreasonable period
12 of time without regard for the mental or physical health,
13 safety, or welfare of that minor; or

14 (e) any minor who has been provided with interim
15 crisis intervention services under Section 3-5 of this Act
16 and whose parent, guardian, or custodian refuses to permit
17 the minor to return home unless the minor is an immediate
18 physical danger to the minor ~~himself, herself,~~ or others
19 living in the home.

20 Whether the minor was left without regard for the mental
21 or physical health, safety, or welfare of that minor or the
22 period of time was unreasonable shall be determined by
23 considering the following factors, including but not limited
24 to:

25 (1) the age of the minor;

26 (2) the number of minors left at the location;

1 (3) special needs of the minor, including whether the
2 minor is a person with a physical or mental disability, or
3 otherwise in need of ongoing prescribed medical treatment
4 such as periodic doses of insulin or other medications;

5 (4) the duration of time in which the minor was left
6 without supervision;

7 (5) the condition and location of the place where the
8 minor was left without supervision;

9 (6) the time of day or night when the minor was left
10 without supervision;

11 (7) the weather conditions, including whether the
12 minor was left in a location with adequate protection from
13 the natural elements such as adequate heat or light;

14 (8) the location of the parent or guardian at the time
15 the minor was left without supervision, the physical
16 distance the minor was from the parent or guardian at the
17 time the minor was without supervision;

18 (9) whether the minor's movement was restricted, or
19 the minor was otherwise locked within a room or other
20 structure;

21 (10) whether the minor was given a phone number of a
22 person or location to call in the event of an emergency and
23 whether the minor was capable of making an emergency call;

24 (11) whether there was food and other provision left
25 for the minor;

26 (12) whether any of the conduct is attributable to

1 economic hardship or illness and the parent, guardian or
2 other person having physical custody or control of the
3 child made a good faith effort to provide for the health
4 and safety of the minor;

5 (13) the age and physical and mental capabilities of
6 the person or persons who provided supervision for the
7 minor;

8 (14) whether the minor was left under the supervision
9 of another person;

10 (15) any other factor that would endanger the health
11 and safety of that particular minor.

12 A minor shall not be considered neglected for the sole
13 reason that the minor has been relinquished in accordance with
14 the Abandoned Newborn Infant Protection Act.

15 (2) Those who are abused include any minor under 18 years
16 of age or a minor 18 years of age or older for whom the court
17 has made a finding of probable cause to believe that the minor
18 is abused, neglected, or dependent under subsection (1) of
19 Section 2-10 prior to the minor's 18th birthday whose parent
20 or immediate family member, or any person responsible for the
21 minor's welfare, or any person who is in the same family or
22 household as the minor, or any individual residing in the same
23 home as the minor, or a paramour of the minor's parent:

24 (i) inflicts, causes to be inflicted, or allows to be
25 inflicted upon such minor physical injury, by other than
26 accidental means, which causes death, disfigurement,

1 impairment of physical or emotional health, or loss or
2 impairment of any bodily function;

3 (ii) creates a substantial risk of physical injury to
4 such minor by other than accidental means which would be
5 likely to cause death, disfigurement, impairment of
6 emotional health, or loss or impairment of any bodily
7 function;

8 (iii) commits or allows to be committed any sex
9 offense against such minor, as such sex offenses are
10 defined in the Criminal Code of 1961 or the Criminal Code
11 of 2012, or in the Wrongs to Children Act, and extending
12 those definitions of sex offenses to include minors under
13 18 years of age;

14 (iv) commits or allows to be committed an act or acts
15 of torture upon such minor;

16 (v) inflicts excessive corporal punishment;

17 (vi) commits or allows to be committed the offense of
18 involuntary servitude, involuntary sexual servitude of a
19 minor, or trafficking in persons as defined in Section
20 10-9 of the Criminal Code of 1961 or the Criminal Code of
21 2012, upon such minor; or

22 (vii) allows, encourages or requires a minor to commit
23 any act of prostitution, as defined in the Criminal Code
24 of 1961 or the Criminal Code of 2012, and extending those
25 definitions to include minors under 18 years of age.

26 A minor shall not be considered abused for the sole reason

1 that the minor has been relinquished in accordance with the
2 Abandoned Newborn Infant Protection Act.

3 (3) This Section does not apply to a minor who would be
4 included herein solely for the purpose of qualifying for
5 financial assistance for the minor, the minor's ~~himself, his~~
6 parents, guardian or custodian.

7 (4) The changes made by this amendatory Act of the 101st
8 General Assembly apply to a case that is pending on or after
9 the effective date of this amendatory Act of the 101st General
10 Assembly.

11 (Source: P.A. 101-79, eff. 7-12-19.)

12 (705 ILCS 405/2-4) (from Ch. 37, par. 802-4)

13 Sec. 2-4. Dependent minor.

14 (1) Those who are dependent include any minor under 18
15 years of age or a minor 18 years of age or older for whom the
16 court has made a finding of probable cause to believe that the
17 minor is abused, neglected, or dependent under subsection (1)
18 of Section 2-10 prior to the minor's 18th birthday:

19 (a) who is without a parent, guardian or legal
20 custodian;

21 (b) who is without proper care because of the physical
22 or mental disability of the minor's ~~his~~ parent, guardian
23 or custodian;

24 (c) who is without proper medical or other remedial
25 care recognized under State law or other care necessary

1 for the minor's ~~his or her~~ well being through no fault,
2 neglect or lack of concern by the minor's ~~his~~ parents,
3 guardian or custodian, provided that no order may be made
4 terminating parental rights, nor may a minor be removed
5 from the custody of the minor's ~~his or her~~ parents for
6 longer than 6 months, pursuant to an adjudication as a
7 dependent minor under this subdivision (c), unless it is
8 found to be in the minor's ~~his or her~~ best interest by the
9 court or the case automatically closes as provided under
10 Section 2-31 of this Act; or

11 (d) who has a parent, guardian or legal custodian who
12 with good cause wishes to be relieved of all residual
13 parental rights and responsibilities, guardianship or
14 custody, and who desires the appointment of a guardian of
15 the person with power to consent to the adoption of the
16 minor under Section 2-29.

17 (2) This Section does not apply to a minor who would be
18 included herein solely for the purpose of qualifying for
19 financial assistance for the minor, the minor's ~~himself, his~~
20 parent or parents, guardian or custodian or to a minor solely
21 because the minor's ~~his or her~~ parent or parents or guardian
22 has left the minor for any period of time in the care of an
23 adult relative, who the parent or parents or guardian know is
24 both a mentally capable adult relative and physically capable
25 adult relative, as defined by this Act.

26 (3) The changes made by this amendatory Act of the 101st

1 General Assembly apply to a case that is pending on or after
2 the effective date of this amendatory Act of the 101st General
3 Assembly.

4 (Source: P.A. 101-79, eff. 7-12-19.)

5 (705 ILCS 405/2-4b)

6 Sec. 2-4b. Family Support Program services; hearing.

7 (a) Any minor who is placed in the custody or guardianship
8 of the Department of Children and Family Services under
9 Article II of this Act on the basis of a petition alleging that
10 the minor is dependent because the minor was left at a
11 psychiatric hospital beyond medical necessity, and for whom an
12 application for the Family Support Program was pending with
13 the Department of Healthcare and Family Services or an active
14 application was being reviewed by the Department of Healthcare
15 and Family Services at the time the petition was filed, shall
16 continue to be considered eligible for services if all other
17 eligibility criteria are met.

18 (b) The court shall conduct a hearing within 14 days upon
19 notification to all parties that an application for the Family
20 Support Program services has been approved and services are
21 available. At the hearing, the court shall determine whether
22 to vacate the custody or guardianship of the Department of
23 Children and Family Services and return the minor to the
24 custody of the respondent with Family Support Program services
25 or whether the minor shall continue to be in the custody or

1 guardianship of the Department of Children and Family Services
2 and decline the Family Support Program services. In making its
3 determination, the court shall consider the minor's best
4 interest, the involvement of the respondent in proceedings
5 under this Act, the involvement of the respondent in the
6 minor's treatment, the relationship between the minor and the
7 respondent, and any other factor the court deems relevant. If
8 the court vacates the custody or guardianship of the
9 Department of Children and Family Services and returns the
10 minor to the custody of the respondent with Family Support
11 Services, the Department of Healthcare and Family Services
12 shall become fiscally responsible for providing services to
13 the minor. If the court determines that the minor shall
14 continue in the custody of the Department of Children and
15 Family Services, the Department of Children and Family
16 Services shall remain fiscally responsible for providing
17 services to the minor, the Family Support Services shall be
18 declined, and the minor shall no longer be eligible for Family
19 Support Services.

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

21 (1) for whom a petition has been filed under this Act
22 alleging that the minor ~~he or she~~ is an abused or neglected
23 minor;

24 (2) for whom the court has made a finding that the
25 minor ~~he or she~~ is an abused or neglected minor under this
26 Act; or

1 (3) who is in the temporary custody of the Department
2 of Children and Family Services and the minor has been the
3 subject of an indicated allegation of abuse or neglect,
4 other than for psychiatric lockout, where a respondent was
5 the perpetrator within 5 years of the filing of the
6 pending petition.

7 (Source: P.A. 100-978, eff. 8-19-18; 101-81, eff. 7-12-19.)

8 (705 ILCS 405/2-5) (from Ch. 37, par. 802-5)

9 Sec. 2-5. Taking into custody.

10 (1) A law enforcement officer may, without a warrant, take
11 into temporary custody a minor (a) whom the officer with
12 reasonable cause believes to be a person described in Section
13 2-3 or 2-4; (b) who has been adjudged a ward of the court and
14 has escaped from any commitment ordered by the court under
15 this Act; or (c) who is found in any street or public place
16 suffering from any sickness or injury which requires care,
17 medical treatment or hospitalization.

18 (2) Whenever a petition has been filed under Section 2-13
19 and the court finds that the conduct and behavior of the minor
20 may endanger the health, person, welfare, or property of the
21 minor ~~himself~~ or others or that the circumstances of the
22 minor's ~~his~~ home environment may endanger the minor's ~~his~~
23 health, person, welfare or property, a warrant may be issued
24 immediately to take the minor into custody.

25 (3) The taking of a minor into temporary custody under

1 this Section is not an arrest nor does it constitute a police
2 record.

3 (Source: P.A. 85-601.)

4 (705 ILCS 405/2-6) (from Ch. 37, par. 802-6)

5 Sec. 2-6. Duty of officer. (1) A law enforcement officer
6 who takes a minor into custody under Section 2-5 shall
7 immediately make a reasonable attempt to notify the parent or
8 other person legally responsible for the minor's care or the
9 person with whom the minor resides that the minor has been
10 taken into custody and where the minor ~~he or she~~ is being held.

11 (a) A law enforcement officer who takes a minor into
12 custody with a warrant shall without unnecessary delay take
13 the minor to the nearest juvenile police officer designated
14 for such purposes in the county of venue.

15 (b) A law enforcement officer who takes a minor into
16 custody without a warrant shall place the minor in temporary
17 protective custody and shall immediately notify the Department
18 of Children and Family Services by contacting either the
19 central register established under 7.7 of the Abused and
20 Neglected Child Reporting Act or the nearest Department of
21 Children and Family Services office. If there is reasonable
22 cause to suspect that a minor has died as a result of abuse or
23 neglect, the law enforcement officer shall immediately report
24 such suspected abuse or neglect to the appropriate medical
25 examiner or coroner.

1 (Source: P.A. 85-601.)

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

3 Sec. 2-7. Temporary custody. "Temporary custody" means the
4 temporary placement of the minor out of the custody of the
5 minor's ~~his or her~~ guardian or parent, and includes the
6 following:

7 (1) "Temporary protective custody" means custody within a
8 hospital or other medical facility or a place previously
9 designated for such custody by the Department of Children and
10 Family Services, subject to review by the court, including a
11 licensed foster home, group home, or other institution.
12 However, such place shall not be a jail or other place for the
13 detention of the criminal or juvenile offenders.

14 (2) "Shelter care" means a physically unrestrictive
15 facility designated by the Department of Children and Family
16 Services or a licensed child welfare agency, or other suitable
17 place designated by the court for a minor who requires care
18 away from the minor's ~~his or her~~ home.

19 (Source: P.A. 85-601.)

20 (705 ILCS 405/2-8) (from Ch. 37, par. 802-8)

21 Sec. 2-8. Investigation; release. When a minor is
22 delivered to the court, or to the place designated by the court
23 under Section 2-7 of this Act, a probation officer or such
24 other public officer designated by the court shall immediately

1 investigate the circumstances of the minor and the facts
2 surrounding the minor ~~his or her~~ being taken into custody. The
3 minor shall be immediately released to the custody of the
4 minor's ~~his or her~~ parent, guardian, legal custodian or
5 responsible relative, unless the probation officer or such
6 other public officer designated by the court finds that
7 further temporary protective custody is necessary, as provided
8 in Section 2-7.

9 (Source: P.A. 85-601.)

10 (705 ILCS 405/2-9) (from Ch. 37, par. 802-9)

11 Sec. 2-9. Setting of temporary custody hearing; notice;
12 release.

13 (1) Unless sooner released, a minor as defined in Section
14 2-3 or 2-4 of this Act taken into temporary protective custody
15 must be brought before a judicial officer within 48 hours,
16 exclusive of Saturdays, Sundays and court-designated holidays,
17 for a temporary custody hearing to determine whether the minor
18 ~~he~~ shall be further held in custody.

19 (2) If the probation officer or such other public officer
20 designated by the court determines that the minor should be
21 retained in custody, the probation officer or such other
22 public officer designated by the court ~~he~~ shall cause a
23 petition to be filed as provided in Section 2-13 of this
24 Article, and the clerk of the court shall set the matter for
25 hearing on the temporary custody hearing calendar. When a

1 parent, guardian, custodian or responsible relative is present
2 and so requests, the temporary custody hearing shall be held
3 immediately if the court is in session, otherwise at the
4 earliest feasible time. The petitioner through counsel or such
5 other public officer designated by the court shall insure
6 notification to the minor's parent, guardian, custodian or
7 responsible relative of the time and place of the hearing by
8 the best practicable notice, allowing for oral notice in place
9 of written notice only if provision of written notice is
10 unreasonable under the circumstances.

11 (3) The minor must be released from temporary protective
12 custody at the expiration of the 48 hour period specified by
13 this Section if not brought before a judicial officer within
14 that period.

15 (Source: P.A. 87-759.)

16 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

17 Sec. 2-10. Temporary custody hearing. At the appearance of
18 the minor before the court at the temporary custody hearing,
19 all witnesses present shall be examined before the court in
20 relation to any matter connected with the allegations made in
21 the petition.

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

25 (2) If the court finds that there is probable cause to

1 believe that the minor is abused, neglected or dependent, the
2 court shall state in writing the factual basis supporting its
3 finding and the minor, the minor's ~~his or her~~ parent,
4 guardian, custodian and other persons able to give relevant
5 testimony shall be examined before the court. The Department
6 of Children and Family Services shall give testimony
7 concerning indicated reports of abuse and neglect, of which
8 they are aware through the central registry, involving the
9 minor's parent, guardian or custodian. After such testimony,
10 the court may, consistent with the health, safety and best
11 interests of the minor, enter an order that the minor shall be
12 released upon the request of parent, guardian or custodian if
13 the parent, guardian or custodian appears to take custody. If
14 it is determined that a parent's, guardian's, or custodian's
15 compliance with critical services mitigates the necessity for
16 removal of the minor from the minor's ~~his or her~~ home, the
17 court may enter an Order of Protection setting forth
18 reasonable conditions of behavior that a parent, guardian, or
19 custodian must observe for a specified period of time, not to
20 exceed 12 months, without a violation; provided, however, that
21 the 12-month period shall begin anew after any violation.
22 "Custodian" includes the Department of Children and Family
23 Services, if it has been given custody of the child, or any
24 other agency of the State which has been given custody or
25 wardship of the child. If it is consistent with the health,
26 safety and best interests of the minor, the court may also

1 prescribe shelter care and order that the minor be kept in a
2 suitable place designated by the court or in a shelter care
3 facility designated by the Department of Children and Family
4 Services or a licensed child welfare agency; however, on and
5 after January 1, 2015 (the effective date of Public Act
6 98-803) and before January 1, 2017, a minor charged with a
7 criminal offense under the Criminal Code of 1961 or the
8 Criminal Code of 2012 or adjudicated delinquent shall not be
9 placed in the custody of or committed to the Department of
10 Children and Family Services by any court, except a minor less
11 than 16 years of age and committed to the Department of
12 Children and Family Services under Section 5-710 of this Act
13 or a minor for whom an independent basis of abuse, neglect, or
14 dependency exists; and on and after January 1, 2017, a minor
15 charged with a criminal offense under the Criminal Code of
16 1961 or the Criminal Code of 2012 or adjudicated delinquent
17 shall not be placed in the custody of or committed to the
18 Department of Children and Family Services by any court,
19 except a minor less than 15 years of age and committed to the
20 Department of Children and Family Services under Section 5-710
21 of this Act or a minor for whom an independent basis of abuse,
22 neglect, or dependency exists. An independent basis exists
23 when the allegations or adjudication of abuse, neglect, or
24 dependency do not arise from the same facts, incident, or
25 circumstances which give rise to a charge or adjudication of
26 delinquency.

1 In placing the minor, the Department or other agency
2 shall, to the extent compatible with the court's order, comply
3 with Section 7 of the Children and Family Services Act. In
4 determining the health, safety and best interests of the minor
5 to prescribe shelter care, the court must find that it is a
6 matter of immediate and urgent necessity for the safety and
7 protection of the minor or of the person or property of another
8 that the minor be placed in a shelter care facility or that the
9 minor ~~he or she~~ is likely to flee the jurisdiction of the
10 court, and must further find that reasonable efforts have been
11 made or that, consistent with the health, safety and best
12 interests of the minor, no efforts reasonably can be made to
13 prevent or eliminate the necessity of removal of the minor
14 from the minor's ~~his or her~~ home. The court shall require
15 documentation from the Department of Children and Family
16 Services as to the reasonable efforts that were made to
17 prevent or eliminate the necessity of removal of the minor
18 from the minor's ~~his or her~~ home or the reasons why no efforts
19 reasonably could be made to prevent or eliminate the necessity
20 of removal. When a minor is placed in the home of a relative,
21 the Department of Children and Family Services shall complete
22 a preliminary background review of the members of the minor's
23 custodian's household in accordance with Section 4.3 of the
24 Child Care Act of 1969 within 90 days of that placement. If the
25 minor is ordered placed in a shelter care facility of the
26 Department of Children and Family Services or a licensed child

1 welfare agency, the court shall, upon request of the
2 appropriate Department or other agency, appoint the Department
3 of Children and Family Services Guardianship Administrator or
4 other appropriate agency executive temporary custodian of the
5 minor and the court may enter such other orders related to the
6 temporary custody as it deems fit and proper, including the
7 provision of services to the minor or the minor's ~~his~~ family to
8 ameliorate the causes contributing to the finding of probable
9 cause or to the finding of the existence of immediate and
10 urgent necessity.

11 Where the Department of Children and Family Services
12 Guardianship Administrator is appointed as the executive
13 temporary custodian, the Department of Children and Family
14 Services shall file with the court and serve on the parties a
15 parent-child visiting plan, within 10 days, excluding weekends
16 and holidays, after the appointment. The parent-child visiting
17 plan shall set out the time and place of visits, the frequency
18 of visits, the length of visits, who shall be present at the
19 visits, and where appropriate, the minor's opportunities to
20 have telephone and mail communication with the parents.

21 Where the Department of Children and Family Services
22 Guardianship Administrator is appointed as the executive
23 temporary custodian, and when the child has siblings in care,
24 the Department of Children and Family Services shall file with
25 the court and serve on the parties a sibling placement and
26 contact plan within 10 days, excluding weekends and holidays,

1 after the appointment. The sibling placement and contact plan
2 shall set forth whether the siblings are placed together, and
3 if they are not placed together, what, if any, efforts are
4 being made to place them together. If the Department has
5 determined that it is not in a child's best interest to be
6 placed with a sibling, the Department shall document in the
7 sibling placement and contact plan the basis for its
8 determination. For siblings placed separately, the sibling
9 placement and contact plan shall set the time and place for
10 visits, the frequency of the visits, the length of visits, who
11 shall be present for the visits, and where appropriate, the
12 child's opportunities to have contact with their siblings in
13 addition to in person contact. If the Department determines it
14 is not in the best interest of a sibling to have contact with a
15 sibling, the Department shall document in the sibling
16 placement and contact plan the basis for its determination.
17 The sibling placement and contact plan shall specify a date
18 for development of the Sibling Contact Support Plan, under
19 subsection (f) of Section 7.4 of the Children and Family
20 Services Act, and shall remain in effect until the Sibling
21 Contact Support Plan is developed.

22 For good cause, the court may waive the requirement to
23 file the parent-child visiting plan or the sibling placement
24 and contact plan, or extend the time for filing either plan.
25 Any party may, by motion, request the court to review the
26 parent-child visiting plan to determine whether it is

1 reasonably calculated to expeditiously facilitate the
2 achievement of the permanency goal. A party may, by motion,
3 request the court to review the parent-child visiting plan or
4 the sibling placement and contact plan to determine whether it
5 is consistent with the minor's best interest. The court may
6 refer the parties to mediation where available. The frequency,
7 duration, and locations of visitation shall be measured by the
8 needs of the child and family, and not by the convenience of
9 Department personnel. Child development principles shall be
10 considered by the court in its analysis of how frequent
11 visitation should be, how long it should last, where it should
12 take place, and who should be present. If upon motion of the
13 party to review either plan and after receiving evidence, the
14 court determines that the parent-child visiting plan is not
15 reasonably calculated to expeditiously facilitate the
16 achievement of the permanency goal or that the restrictions
17 placed on parent-child contact or sibling placement or contact
18 are contrary to the child's best interests, the court shall
19 put in writing the factual basis supporting the determination
20 and enter specific findings based on the evidence. The court
21 shall enter an order for the Department to implement changes
22 to the parent-child visiting plan or sibling placement or
23 contact plan, consistent with the court's findings. At any
24 stage of proceeding, any party may by motion request the court
25 to enter any orders necessary to implement the parent-child
26 visiting plan, sibling placement or contact plan or

1 subsequently developed Sibling Contact Support Plan. Nothing
2 under this subsection (2) shall restrict the court from
3 granting discretionary authority to the Department to increase
4 opportunities for additional parent-child contacts or sibling
5 contacts, without further court orders. Nothing in this
6 subsection (2) shall restrict the Department from immediately
7 restricting or terminating parent-child contact or sibling
8 contacts, without either amending the parent-child visiting
9 plan or the sibling contact plan or obtaining a court order,
10 where the Department or its assigns reasonably believe there
11 is an immediate need to protect the child's health, safety,
12 and welfare. Such restrictions or terminations must be based
13 on available facts to the Department and its assigns when
14 viewed in light of the surrounding circumstances and shall
15 only occur on an individual case-by-case basis. The Department
16 shall file with the court and serve on the parties any
17 amendments to the plan within 10 days, excluding weekends and
18 holidays, of the change of the visitation.

19 Acceptance of services shall not be considered an
20 admission of any allegation in a petition made pursuant to
21 this Act, nor may a referral of services be considered as
22 evidence in any proceeding pursuant to this Act, except where
23 the issue is whether the Department has made reasonable
24 efforts to reunite the family. In making its findings that it
25 is consistent with the health, safety and best interests of
26 the minor to prescribe shelter care, the court shall state in

1 writing (i) the factual basis supporting its findings
2 concerning the immediate and urgent necessity for the
3 protection of the minor or of the person or property of another
4 and (ii) the factual basis supporting its findings that
5 reasonable efforts were made to prevent or eliminate the
6 removal of the minor from the minor's ~~his or her~~ home or that
7 no efforts reasonably could be made to prevent or eliminate
8 the removal of the minor from the minor's ~~his or her~~ home. The
9 parents, guardian, custodian, temporary custodian and minor
10 shall each be furnished a copy of such written findings. The
11 temporary custodian shall maintain a copy of the court order
12 and written findings in the case record for the child. The
13 order together with the court's findings of fact in support
14 thereof shall be entered of record in the court.

15 Once the court finds that it is a matter of immediate and
16 urgent necessity for the protection of the minor that the
17 minor be placed in a shelter care facility, the minor shall not
18 be returned to the parent, custodian or guardian until the
19 court finds that such placement is no longer necessary for the
20 protection of the minor.

21 If the child is placed in the temporary custody of the
22 Department of Children and Family Services for the minor's ~~his~~
23 ~~or her~~ protection, the court shall admonish the parents,
24 guardian, custodian or responsible relative that the parents
25 must cooperate with the Department of Children and Family
26 Services, comply with the terms of the service plans, and

1 correct the conditions which require the child to be in care,
2 or risk termination of their parental rights. The court shall
3 ensure, by inquiring in open court of each parent, guardian,
4 custodian or responsible relative, that the parent, guardian,
5 custodian or responsible relative has had the opportunity to
6 provide the Department with all known names, addresses, and
7 telephone numbers of each of the minor's living ~~maternal and~~
8 ~~paternal~~ adult relatives, including, but not limited to,
9 grandparents, siblings of the minor's parents ~~aunts, uncles,~~
10 and siblings. The court shall advise the parents, guardian,
11 custodian or responsible relative to inform the Department if
12 additional information regarding the minor's adult relatives
13 becomes available.

14 (3) If prior to the shelter care hearing for a minor
15 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
16 unable to serve notice on the party respondent, the shelter
17 care hearing may proceed ex parte. A shelter care order from an
18 ex parte hearing shall be endorsed with the date and hour of
19 issuance and shall be filed with the clerk's office and
20 entered of record. The order shall expire after 10 days from
21 the time it is issued unless before its expiration it is
22 renewed, at a hearing upon appearance of the party respondent,
23 or upon an affidavit of the moving party as to all diligent
24 efforts to notify the party respondent by notice as herein
25 prescribed. The notice prescribed shall be in writing and
26 shall be personally delivered to the minor or the minor's

1 attorney and to the last known address of the other person or
 2 persons entitled to notice. The notice shall also state the
 3 nature of the allegations, the nature of the order sought by
 4 the State, including whether temporary custody is sought, and
 5 the consequences of failure to appear and shall contain a
 6 notice that the parties will not be entitled to further
 7 written notices or publication notices of proceedings in this
 8 case, including the filing of an amended petition or a motion
 9 to terminate parental rights, except as required by Supreme
 10 Court Rule 11; and shall explain the right of the parties and
 11 the procedures to vacate or modify a shelter care order as
 12 provided in this Section. The notice for a shelter care
 13 hearing shall be substantially as follows:

14 NOTICE TO PARENTS AND CHILDREN
 15 OF SHELTER CARE HEARING

16 On at, before the Honorable
 17, (address:), the State
 18 of Illinois will present evidence (1) that (name of child
 19 or children) are abused, neglected
 20 or dependent for the following reasons:
 21 and (2)
 22 whether there is "immediate and urgent necessity" to
 23 remove the child or children from the responsible
 24 relative.

25 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 26 PLACEMENT of the child or children in foster care until a

1 trial can be held. A trial may not be held for up to 90
2 days. You will not be entitled to further notices of
3 proceedings in this case, including the filing of an
4 amended petition or a motion to terminate parental rights.

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

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

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

11 3. To present evidence concerning:

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

14 b. Whether or not there is "immediate and
15 urgent necessity" to remove the child from home
16 (including: their ability to care for the child,
17 conditions in the home, alternative means of
18 protecting the child other than removal).

19 c. The best interests of the child.

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

21 The Notice for rehearings shall be substantially as
22 follows:

23 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

24 TO REHEARING ON TEMPORARY CUSTODY

25 If you were not present at and did not have adequate

1 notice of the Shelter Care Hearing at which temporary
 2 custody of was awarded to
 3, you have the right to request a full
 4 rehearing on whether the State should have temporary
 5 custody of To request this rehearing,
 6 you must file with the Clerk of the Juvenile Court
 7 (address):, in person or by
 8 mailing a statement (affidavit) setting forth the
 9 following:

- 10 1. That you were not present at the shelter care
- 11 hearing.
- 12 2. That you did not get adequate notice
- 13 (explaining how the notice was inadequate).
- 14 3. Your signature.
- 15 4. Signature must be notarized.

16 The rehearing should be scheduled within 48 hours of
 17 your filing this affidavit.

18 At the rehearing, your rights are the same as at the
 19 initial shelter care hearing. The enclosed notice explains
 20 those rights.

21 At the Shelter Care Hearing, children have the
 22 following rights:

- 23 1. To have a guardian ad litem appointed.
- 24 2. To be declared competent as a witness and to
- 25 present testimony concerning:
- 26 a. Whether they are abused, neglected or

1 dependent.

2 b. Whether there is "immediate and urgent
3 necessity" to be removed from home.

4 c. Their best interests.

5 3. To cross examine witnesses for other parties.

6 4. To obtain an explanation of any proceedings and
7 orders of the court.

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

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

23 (6) No minor under 16 years of age may be confined in a
24 jail or place ordinarily used for the confinement of prisoners
25 in a police station. Minors under 18 years of age must be kept
26 separate from confined adults and may not at any time be kept

1 in the same cell, room, or yard with adults confined pursuant
2 to the criminal law.

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

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

18 (9) Notwithstanding any other provision of this Section
19 any interested party, including the State, the temporary
20 custodian, an agency providing services to the minor or family
21 under a service plan pursuant to Section 8.2 of the Abused and
22 Neglected Child Reporting Act, foster parent, or any of their
23 representatives, on notice to all parties entitled to notice,
24 may file a motion that it is in the best interests of the minor
25 to modify or vacate a temporary custody order on any of the
26 following grounds:

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

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

7 (c) A person not a party to the alleged abuse, neglect
8 or dependency, including a parent, relative or legal
9 guardian, is capable of assuming temporary custody of the
10 minor; or

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

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

1 or 2-25.

2 The clerk shall set the matter for hearing not later than
3 14 days after such motion is filed. In the event that the court
4 modifies or vacates a temporary custody order but does not
5 vacate its finding of probable cause, the court may order that
6 appropriate services be continued or initiated in behalf of
7 the minor and the minor's ~~his or her~~ family.

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

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

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

19 Once the presumption of immediate and urgent necessity has
20 been raised, the burden of demonstrating the lack of immediate
21 and urgent necessity shall be on any party that is opposing
22 shelter care for the other minor.

23 (11) The changes made to this Section by Public Act 98-61
24 apply to a minor who has been arrested or taken into custody on
25 or after January 1, 2014 (the effective date of Public Act
26 98-61).

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

14 (a) the efforts to identify and locate the respondents
15 and adult family members of the minor and the results of
16 those efforts;

17 (b) the efforts to engage the respondents and adult
18 family members of the minor in decision making on behalf
19 of the minor;

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

22 (d) the relationship between the respondents and adult
23 family members and the minor;

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

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

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

8 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
9 102-813, eff. 5-13-22.)

10 (705 ILCS 405/2-10.3)

11 Sec. 2-10.3. Access to news media.

12 (a) All youth in the custody or guardianship of the
13 Department of Children and Family Services are entitled to the
14 freedom of speech guaranteed by the First Amendment to the
15 Constitution of the United States and Section 4 of Article I of
16 the Illinois Constitution. The Department of Children and
17 Family Services and its agents and assigns shall not interfere
18 with the right of any youth in its custody or guardianship to
19 communicate with the news media if the youth chooses to do so.

20 (b) Provisions related to minors under 18. Any time the
21 news media requests to speak with a specific, identified minor
22 under 18 years of age, the Department of Children and Family
23 Services shall immediately provide notice of the news media's
24 request to the minor's attorney and guardian ad litem. The
25 notice shall include at a minimum the minor's name, the news

1 media name, and the date of the inquiry from the news media.
2 Within one business day of the news media's request, the
3 Department shall determine whether the minor wants to speak
4 with the news media, whether the minor has sufficient maturity
5 to make the minor's ~~his or her~~ own decision to communicate with
6 the news media and whether contact with the news media will
7 more likely than not cause the minor serious physical,
8 emotional, or mental harm. The Department shall provide notice
9 of its determination to the minor's attorney and guardian ad
10 litem within one business day of its determination.

11 (c) Provisions related to minors over 18. The Department
12 shall not take any action to interfere with the right of a
13 minor over 18 to speak with the news media.

14 (d) Court Review.

15 (1) Any party may file a motion seeking to enforce
16 rights under this Section.

17 (2) If the minor does not have an attorney, the court
18 shall appoint one for purposes of the motion.

19 (3) The Department shall facilitate the minor's
20 presence in court for hearings on the motion if the minor
21 wants to be present.

22 (4) The party filing the motion shall provide prior
23 notice of the hearing to the involved news media.

24 (5) Minors over 18. If the court finds that the
25 Department has interfered with the minor's right to
26 communicate with the media, the court shall enjoin any

1 further interference by the Department with the minor's
2 contacts with the news media.

3 (6) Minors under 18. The Department shall have the
4 burden of establishing by clear and convincing evidence:
5 (i) that the minor does not have sufficient maturity to
6 make the minor's ~~his or her~~ own decision to communicate
7 with the news media and that contact with the news media
8 will, more likely than not, cause the minor serious
9 physical, emotional, or mental harm; and (ii) that less
10 restrictive means are insufficient to address the minor's
11 lack of maturity or the risk of serious physical,
12 emotional, or mental harm. If the court finds by clear and
13 convincing evidence that a minor under 18 years of age
14 lacks sufficient maturity to make the minor's ~~his or her~~
15 own decision to communicate with the media and that the
16 contact with the news media will, more likely than not,
17 cause the minor serious physical, emotional, or mental
18 harm, the court may issue an order identifying the
19 specific limits that the Department may impose on the
20 minor's communication with the news media. The order shall
21 not permit the Department to prevent the minor from
22 communicating with the news media unless it determines
23 that no less restrictive means are available to address
24 the likelihood of harm to the minor.

25 (7) The court shall not impose any limitations on the
26 speech of a minor based on viewpoints the minor may

1 express or information the minor may divulge, unless it is
2 confidential information regarding third parties.

3 (8) All orders resolving motions brought under this
4 subsection shall contain written findings in support of
5 the court's ruling.

6 (e) As used in this Section, "interfere" includes, but is
7 not limited to: withholding information from a minor about a
8 news media outlet's request to speak with the minor, including
9 any contact information necessary to respond to the request;
10 preventing a minor from communicating with the news media;
11 threatening or coercing the minor in any manner; or punishing
12 or taking adverse action because of a minor's contact with the
13 news media. "Interfere" does not include:

14 (1) providing information and advice about
15 communicating with news media that is consistent with the
16 minor's age, developmental capacity and circumstances,
17 including information about the minor's right to refuse
18 particular questions, the right to condition the
19 participation upon a promise of anonymity or other privacy
20 measures, the right to refuse to speak to the news media,
21 and similar advice designed to enhance the minor's right
22 to autonomy in communicating with the news media; and

23 (2) conducting an inquiry into (i) whether a minor
24 under 18 is sufficiently mature to decide ~~for themselves~~
25 whether to communicate with the news media and (ii)
26 whether communicating with the news media will more likely

1 than not cause serious physical, emotional, or mental harm
2 to the minor under 18. The inquiry in this subsection must
3 be concluded within one business day of the request from
4 the news media.

5 (f) As used in this Section, "less restrictive means" are
6 conditions on the minor's ability to communicate with the news
7 media that mitigate the likelihood that physical, emotional,
8 or mental harm will result, and include, but are not limited
9 to:

10 (1) the news media outlet's willingness to take steps
11 to protect the minor's privacy, such as using a pseudonym
12 or limiting the use of the voice or image of a minor;

13 (2) the presence of the minor's guardian ad litem or
14 attorney or another adult of the minor's choosing, during
15 the communication with the news media; and

16 (3) providing the minor with age-appropriate media
17 literacy materials or other relevant educational material.

18 (Source: P.A. 102-615, eff. 8-27-21.)

19 (705 ILCS 405/2-11) (from Ch. 37, par. 802-11)

20 Sec. 2-11. Medical and dental treatment and care. At all
21 times during temporary custody or shelter care, the court may
22 authorize a physician, a hospital or any other appropriate
23 health care provider to provide medical, dental or surgical
24 procedures if such procedures are necessary to safeguard the
25 minor's life or health.

1 With respect to any minor for whom the Department of
2 Children and Family Services Guardianship Administrator is
3 appointed the temporary custodian, the Guardianship
4 Administrator or the Guardianship Administrator's ~~his~~ designee
5 shall be deemed the minor's legally authorized representative
6 for purposes of consenting to an HIV test and obtaining and
7 disclosing information concerning such test pursuant to the
8 AIDS Confidentiality Act and for purposes of consenting to the
9 release of information pursuant to the Illinois Sexually
10 Transmissible Disease Control Act.

11 Any person who administers an HIV test upon the consent of
12 the Department of Children and Family Services Guardianship
13 Administrator or the Guardianship Administrator's ~~his~~
14 designee, or who discloses the results of such tests to the
15 Department's Guardianship Administrator or the Guardianship
16 Administrator's ~~his~~ designee, shall have immunity from any
17 liability, civil, criminal or otherwise, that might result by
18 reason of such actions. For the purpose of any proceedings,
19 civil or criminal, the good faith of any persons required to
20 administer or disclose the results of tests, or permitted to
21 take such actions, shall be presumed.

22 (Source: P.A. 86-904.)

23 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

24 Sec. 2-13. Petition.

25 (1) Any adult person, any agency or association by its

1 representative may file, or the court on its own motion,
2 consistent with the health, safety and best interests of the
3 minor may direct the filing through the State's Attorney of a
4 petition in respect of a minor under this Act. The petition and
5 all subsequent court documents shall be entitled "In the
6 interest of, a minor".

7 (2) The petition shall be verified but the statements may
8 be made upon information and belief. It shall allege that the
9 minor is abused, neglected, or dependent, with citations to
10 the appropriate provisions of this Act, and set forth (a)
11 facts sufficient to bring the minor under Section 2-3 or 2-4
12 and to inform respondents of the cause of action, including,
13 but not limited to, a plain and concise statement of the
14 factual allegations that form the basis for the filing of the
15 petition; (b) the name, age and residence of the minor; (c) the
16 names and residences of the minor's ~~his~~ parents; (d) the name
17 and residence of the minor's ~~his~~ legal guardian or the person
18 or persons having custody or control of the minor, or of the
19 nearest known relative if no parent or guardian can be found;
20 and (e) if the minor upon whose behalf the petition is brought
21 is sheltered in custody, the date on which such temporary
22 custody was ordered by the court or the date set for a
23 temporary custody hearing. If any of the facts herein required
24 are not known by the petitioner, the petition shall so state.

25 (3) The petition must allege that it is in the best
26 interests of the minor and of the public that the minor ~~he~~ be

1 adjudged a ward of the court and may pray generally for relief
2 available under this Act. The petition need not specify any
3 proposed disposition following adjudication of wardship. The
4 petition may request that the minor remain in the custody of
5 the parent, guardian, or custodian under an Order of
6 Protection.

7 (4) If termination of parental rights and appointment of a
8 guardian of the person with power to consent to adoption of the
9 minor under Section 2-29 is sought, the petition shall so
10 state. If the petition includes this request, the prayer for
11 relief shall clearly and obviously state that the parents
12 could permanently lose their rights as a parent at this
13 hearing.

14 In addition to the foregoing, the petitioner, by motion,
15 may request the termination of parental rights and appointment
16 of a guardian of the person with power to consent to adoption
17 of the minor under Section 2-29 at any time after the entry of
18 a dispositional order under Section 2-22.

19 (4.5) (a) Unless good cause exists that filing a petition
20 to terminate parental rights is contrary to the child's best
21 interests, with respect to any minors committed to its care
22 pursuant to this Act, the Department of Children and Family
23 Services shall request the State's Attorney to file a petition
24 or motion for termination of parental rights and appointment
25 of guardian of the person with power to consent to adoption of
26 the minor under Section 2-29 if:

1 (i) a minor has been in foster care, as described in
2 subsection (b), for 15 months of the most recent 22
3 months; or

4 (ii) a minor under the age of 2 years has been
5 previously determined to be abandoned at an adjudicatory
6 hearing; or

7 (iii) the parent is criminally convicted of:

8 (A) first degree murder or second degree murder of
9 any child;

10 (B) attempt or conspiracy to commit first degree
11 murder or second degree murder of any child;

12 (C) solicitation to commit murder of any child,
13 solicitation to commit murder for hire of any child,
14 or solicitation to commit second degree murder of any
15 child;

16 (D) aggravated battery, aggravated battery of a
17 child, or felony domestic battery, any of which has
18 resulted in serious injury to the minor or a sibling of
19 the minor;

20 (E) predatory criminal sexual assault of a child;

21 (E-5) aggravated criminal sexual assault;

22 (E-10) criminal sexual abuse in violation of
23 subsection (a) of Section 11-1.50 of the Criminal Code
24 of 1961 or the Criminal Code of 2012;

25 (E-15) sexual exploitation of a child;

26 (E-20) permitting sexual abuse of a child;

1 (E-25) criminal sexual assault; or

2 (F) an offense in any other state the elements of
3 which are similar and bear a substantial relationship
4 to any of the foregoing offenses.

5 (a-1) For purposes of this subsection (4.5), good cause
6 exists in the following circumstances:

7 (i) the child is being cared for by a relative,

8 (ii) the Department has documented in the case plan a
9 compelling reason for determining that filing such
10 petition would not be in the best interests of the child,

11 (iii) the court has found within the preceding 12
12 months that the Department has failed to make reasonable
13 efforts to reunify the child and family, or

14 (iv) the parent is incarcerated, or the parent's prior
15 incarceration is a significant factor in why the child has
16 been in foster care for 15 months out of any 22-month
17 period, the parent maintains a meaningful role in the
18 child's life, and the Department has not documented
19 another reason why it would otherwise be appropriate to
20 file a petition to terminate parental rights pursuant to
21 this Section and the Adoption Act. The assessment of
22 whether an incarcerated parent maintains a meaningful role
23 in the child's life may include consideration of the
24 following:

25 (A) the child's best interest;

26 (B) the parent's expressions or acts of

1 manifesting concern for the child, such as letters,
2 telephone calls, visits, and other forms of
3 communication with the child and the impact of the
4 communication on the child;

5 (C) the parent's efforts to communicate with and
6 work with the Department for the purpose of complying
7 with the service plan and repairing, maintaining, or
8 building the parent-child relationship; or

9 (D) limitations in the parent's access to family
10 support programs, therapeutic services, visiting
11 opportunities, telephone and mail services, and
12 meaningful participation in court proceedings.

13 (b) For purposes of this subsection, the date of entering
14 foster care is defined as the earlier of:

15 (1) The date of a judicial finding at an adjudicatory
16 hearing that the child is an abused, neglected, or
17 dependent minor; or

18 (2) 60 days after the date on which the child is
19 removed from the child's ~~his or her~~ parent, guardian, or
20 legal custodian.

21 (c) (Blank).

22 (d) (Blank).

23 (5) The court shall liberally allow the petitioner to
24 amend the petition to set forth a cause of action or to add,
25 amend, or supplement factual allegations that form the basis
26 for a cause of action up until 14 days before the adjudicatory

1 hearing. The petitioner may amend the petition after that date
2 and prior to the adjudicatory hearing if the court grants
3 leave to amend upon a showing of good cause. The court may
4 allow amendment of the petition to conform with the evidence
5 at any time prior to ruling. In all cases in which the court
6 has granted leave to amend based on new evidence or new
7 allegations, the court shall permit the respondent an adequate
8 opportunity to prepare a defense to the amended petition.

9 (6) At any time before dismissal of the petition or before
10 final closing and discharge under Section 2-31, one or more
11 motions in the best interests of the minor may be filed. The
12 motion shall specify sufficient facts in support of the relief
13 requested.

14 (Source: P.A. 101-529, eff. 1-1-20.)

15 (705 ILCS 405/2-13.1)

16 Sec. 2-13.1. Early termination of reasonable efforts.

17 (1) (a) In conjunction with, or at any time subsequent to,
18 the filing of a petition on behalf of a minor in accordance
19 with Section 2-13 of this Act, the State's Attorney, the
20 guardian ad litem, or the Department of Children and Family
21 Services may file a motion requesting a finding that
22 reasonable efforts to reunify that minor with the minor's ~~his~~
23 ~~or her~~ parent or parents are no longer required and are to
24 cease.

25 (b) The court shall grant this motion with respect to a

1 parent of the minor if the court finds after a hearing that the
2 parent has:

3 (i) had ~~his or her~~ parental rights to another child of
4 the parent involuntarily terminated; or

5 (ii) been convicted of:

6 (A) first degree or second degree murder of
7 another child of the parent;

8 (B) attempt or conspiracy to commit first degree
9 or second degree murder of another child of the
10 parent;

11 (C) solicitation to commit murder of another child
12 of the parent, solicitation to commit murder for hire
13 of another child of the parent, or solicitation to
14 commit second degree murder of another child of the
15 parent;

16 (D) aggravated battery, aggravated battery of a
17 child, or felony domestic battery, any of which has
18 resulted in serious bodily injury to the minor or
19 another child of the parent; or

20 (E) an offense in any other state the elements of
21 which are similar and bear substantial relationship to
22 any of the foregoing offenses

23 unless the court sets forth in writing a compelling reason why
24 terminating reasonable efforts to reunify the minor with the
25 parent would not be in the best interests of that minor.

26 (c) The court shall also grant this motion with respect to

1 a parent of the minor if:

2 (i) after a hearing it determines that further
3 reunification services would no longer be appropriate, and

4 (ii) a dispositional hearing has already taken place.

5 (2) (a) The court shall hold a permanency hearing within
6 30 days of granting a motion pursuant to this subsection. If an
7 adjudicatory or a dispositional hearing, or both, has not
8 taken place when the court grants a motion pursuant to this
9 Section, then either or both hearings shall be held as needed
10 so that both take place on or before the date a permanency
11 hearing is held pursuant to this subsection.

12 (b) Following a permanency hearing held pursuant to
13 paragraph (a) of this subsection, the appointed custodian or
14 guardian of the minor shall make reasonable efforts to place
15 the child in accordance with the permanency plan and goal set
16 by the court, and to complete the necessary steps to locate and
17 finalize a permanent placement.

18 (Source: P.A. 90-608, eff. 6-30-98.)

19 (705 ILCS 405/2-15) (from Ch. 37, par. 802-15)

20 Sec. 2-15. Summons.

21 (1) When a petition is filed, the clerk of the court shall
22 issue a summons with a copy of the petition attached. The
23 summons shall be directed to the minor's legal guardian or
24 custodian and to each person named as a respondent in the
25 petition, except that summons need not be directed to a minor

1 respondent under 8 years of age for whom the court appoints a
2 guardian ad litem if the guardian ad litem appears on behalf of
3 the minor in any proceeding under this Act.

4 (2) The summons must contain a statement that the minor or
5 any of the respondents is entitled to have an attorney present
6 at the hearing on the petition, and that the clerk of the court
7 should be notified promptly if the minor or any other
8 respondent desires to be represented by an attorney but is
9 financially unable to employ counsel.

10 (3) The summons shall be issued under the seal of the
11 court, attested in and signed with the name of the clerk of the
12 court, dated on the day it is issued, and shall require each
13 respondent to appear and answer the petition on the date set
14 for the adjudicatory hearing. The summons 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.

20 (4) The summons may be served by any county sheriff,
21 coroner or probation officer, even though the officer is the
22 petitioner. The return of the summons with endorsement of
23 service by the officer is sufficient proof thereof.

24 (5) Service of a summons and petition shall be made by: (a)
25 leaving a copy thereof with the person summoned at least 3 days
26 before the time stated therein for appearance; (b) leaving a

1 copy at the summoned person's ~~his or her~~ usual place of abode
2 with some person of the family or a person residing there, of
3 the age of 10 years or upwards, and informing that person of
4 the contents thereof, provided the officer or other person
5 making service shall also send a copy of the summons in a
6 sealed envelope with postage fully prepaid, addressed to the
7 person summoned at the person's ~~his~~ usual place of abode, at
8 least 3 days before the time stated therein for appearance; or
9 (c) leaving a copy thereof with the guardian or custodian of a
10 minor, at least 3 days before the time stated therein for
11 appearance. If the guardian or custodian is an agency of the
12 State of Illinois, proper service may be made by leaving a copy
13 of the summons and petition with any administrative employee
14 of such agency designated by such agency to accept service of
15 summons and petitions. The certificate of the officer or
16 affidavit of the person that the officer or person ~~he~~ has sent
17 the copy pursuant to this Section is sufficient proof of
18 service.

19 (6) When a parent or other person, who has signed a written
20 promise to appear and bring the minor to court or who has
21 waived or acknowledged service, fails to appear with the minor
22 on the date set by the court, a bench warrant may be issued for
23 the parent or other person, the minor, or both.

24 (7) The appearance of the minor's legal guardian or
25 custodian, or a person named as a respondent in a petition, in
26 any proceeding under this Act shall constitute a waiver of

1 service of summons and submission to the jurisdiction of the
2 court, except that the filing of a motion authorized under
3 Section 2-301 of the Code of Civil Procedure does not
4 constitute an appearance under this subsection. A copy of the
5 summons and petition shall be provided to the person at the
6 time of the person's ~~his~~ appearance.

7 (8) Notice to a parent who has appeared or been served with
8 summons personally or by certified mail, and for whom an order
9 of default has been entered on the petition for wardship and
10 has not been set aside shall be provided in accordance with
11 Supreme Court Rule 11. Notice to a parent who was served by
12 publication and for whom an order of default has been entered
13 on the petition for wardship and has not been set aside shall
14 be provided in accordance with this Section and Section 2-16.

15 (Source: P.A. 101-146, eff. 1-1-20.)

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

17 Sec. 2-16. Notice by certified mail or publication.

18 (1) If service on individuals as provided in Section 2-15
19 is not made on any respondent within a reasonable time or if it
20 appears that any respondent resides outside the State, service
21 may be made by certified mail. In such case the clerk shall
22 mail the summons and a copy of the petition to that respondent
23 by certified mail marked for delivery to addressee only. The
24 court shall not proceed with the adjudicatory hearing until 5
25 days after such mailing. The regular return receipt for

1 certified mail is sufficient proof of service.

2 (2) Where a respondent's usual place of abode is not
3 known, a diligent inquiry shall be made to ascertain the
4 respondent's current and last known address. The Department of
5 Children and Family Services shall adopt rules defining the
6 requirements for conducting a diligent search to locate
7 parents of minors in the custody of the Department. If, after
8 diligent inquiry made at any time within the preceding 12
9 months, the usual place of abode cannot be reasonably
10 ascertained, or if the respondent is concealing the
11 respondent's ~~his or her~~ whereabouts to avoid service of
12 process, petitioner's attorney shall file an affidavit at the
13 office of the clerk of court in which the action is pending
14 showing that the respondent on due inquiry cannot be found or
15 is concealing the respondent's ~~his or her~~ whereabouts so that
16 process cannot be served. The affidavit shall state the last
17 known address of the respondent. The affidavit shall also
18 state what efforts were made to effectuate service. Within 3
19 days of receipt of the affidavit, the clerk shall issue
20 publication service as provided below. The clerk shall also
21 send a copy thereof by mail addressed to each respondent
22 listed in the affidavit at the respondent's ~~his or her~~ last
23 known address. The clerk of the court as soon as possible shall
24 cause publication to be made once in a newspaper of general
25 circulation in the county where the action is pending. Notice
26 by publication is not required in any case when the person

1 alleged to have legal custody of the minor has been served with
2 summons personally or by certified mail, but the court may not
3 enter any order or judgment against any person who cannot be
4 served with process other than by publication unless notice by
5 publication is given or unless that person appears. When a
6 minor has been sheltered under Section 2-10 of this Act and
7 summons has not been served personally or by certified mail
8 within 20 days from the date of the order of court directing
9 such shelter care, the clerk of the court shall cause
10 publication. Notice by publication shall be substantially as
11 follows:

12 "A, B, C, D, (here giving the names of the named
13 respondents, if any) and to All Whom It May Concern (if there
14 is any respondent under that designation):

15 Take notice that on (insert date) a petition was filed
16 under the Juvenile Court Act of 1987 by in the circuit
17 court of county entitled 'In the interest of, a
18 minor', and that in courtroom at on (insert date) at
19 the hour of, or as soon thereafter as this cause may be
20 heard, an adjudicatory hearing will be held upon the petition
21 to have the child declared to be a ward of the court under that
22 Act. THE COURT HAS AUTHORITY IN THIS PROCEEDING TO TAKE FROM
23 YOU THE CUSTODY AND GUARDIANSHIP OF THE MINOR, TO TERMINATE
24 YOUR PARENTAL RIGHTS, AND TO APPOINT A GUARDIAN WITH POWER TO
25 CONSENT TO ADOPTION. YOU MAY LOSE ALL PARENTAL RIGHTS TO YOUR
26 CHILD. IF THE PETITION REQUESTS THE TERMINATION OF YOUR

1 PARENTAL RIGHTS AND THE APPOINTMENT OF A GUARDIAN WITH POWER
 2 TO CONSENT TO ADOPTION, YOU MAY LOSE ALL PARENTAL RIGHTS TO THE
 3 CHILD. Unless you appear you will not be entitled to further
 4 written notices or publication notices of the proceedings in
 5 this case, including the filing of an amended petition or a
 6 motion to terminate parental rights.

7 Now, unless you appear at the hearing and show cause
 8 against the petition, the allegations of the petition may
 9 stand admitted as against you and each of you, and an order or
 10 judgment entered.

11

12 Clerk

13 Dated (insert the date of publication)"

14 (3) The clerk shall also at the time of the publication of
 15 the notice send a copy thereof by mail to each of the
 16 respondents on account of whom publication is made at each of
 17 the respondents' ~~his or her~~ last known address. The
 18 certificate of the clerk that the clerk ~~he or she~~ has mailed
 19 the notice is evidence thereof. No other publication notice is
 20 required. Every respondent notified by publication under this
 21 Section must appear and answer in open court at the hearing.
 22 The court may not proceed with the adjudicatory hearing until
 23 10 days after service by publication on any parent, guardian
 24 or legal custodian in the case of a minor described in Section
 25 2-3 or 2-4.

1 (4) If it becomes necessary to change the date set for the
2 hearing in order to comply with Section 2-14 or with this
3 Section, notice of the resetting of the date must be given, by
4 certified mail or other reasonable means, to each respondent
5 who has been served with summons personally or by certified
6 mail.

7 (5) Notice to a parent who has appeared or been served with
8 summons personally or by certified mail, and for whom an order
9 of default has been entered on the petition for wardship and
10 has not been set aside shall be provided in accordance with
11 Supreme Court Rule 11. Notice to a parent who was served by
12 publication and for whom an order of default has been entered
13 on the petition for wardship and has not been set aside shall
14 be provided in accordance with this Section and Section 2-15.

15 (Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608,
16 eff. 6-30-98; 91-357, eff. 7-29-99.)

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

18 Sec. 2-17. Guardian ad litem.

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

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

25 (b) such petition alleges that charges alleging the

1 commission of any of the sex offenses defined in Article
2 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
3 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, have
5 been filed against a defendant in any court and that such
6 minor is the alleged victim of the acts of the defendant in
7 the commission of such offense.

8 Unless the guardian ad litem appointed pursuant to this
9 paragraph (1) is an attorney at law, the guardian ad litem ~~he~~
10 ~~or she~~ shall be represented in the performance of the guardian
11 ad litem's ~~his or her~~ duties by counsel. The guardian ad litem
12 shall represent the best interests of the minor and shall
13 present recommendations to the court consistent with that
14 duty.

15 (2) Before proceeding with the hearing, the court shall
16 appoint a guardian ad litem for the minor if:

17 (a) no parent, guardian, custodian or relative of the
18 minor appears at the first or any subsequent hearing of
19 the case;

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

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

25 (3) The court may appoint a guardian ad litem for the minor
26 whenever it finds that there may be a conflict of interest

1 between the minor and the minor's ~~his~~ parents or other
2 custodian or that it is otherwise in the minor's best interest
3 to do so.

4 (4) Unless the guardian ad litem is an attorney, the
5 guardian ad litem ~~he or she~~ shall be represented by counsel.

6 (4.5) Pursuant to Section 6b-1 of the Children and Family
7 Services Act, the Department of Children and Family Services
8 must maintain the name, electronic mail address, and telephone
9 number for each minor's court-appointed guardian ad litem and,
10 if applicable, the guardian ad litem's supervisor. The
11 Department of Children and Family Services must update this
12 contact information within 5 days of receiving notice of a
13 change. The Advocacy Office for Children and Families,
14 established pursuant to Section 5e of the Children and Family
15 Services Act, must make this contact information available to
16 the minor, current foster parent or caregiver, or caseworker,
17 if requested.

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

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

1 report under the Abused and Neglected Child Reporting Act, is
2 also the minor for whom the guardian ad litem is appointed
3 under this Section.

4 (6.5) A guardian ad litem appointed under this Section or
5 attorney appointed under this Act shall receive a copy of each
6 significant event report that involves the minor no later than
7 3 days after the Department learns of an event requiring a
8 significant event report to be written, or earlier as required
9 by Department rule.

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

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

26 (9) In counties with a population of 100,000 or more but

1 less than 3,000,000, each guardian ad litem must successfully
2 complete a training program approved by the Department of
3 Children and Family Services. The Department of Children and
4 Family Services shall provide training materials and documents
5 to guardians ad litem who are not mandated to attend the
6 training program. The Department of Children and Family
7 Services shall develop and distribute to all guardians ad
8 litem a bibliography containing information including but not
9 limited to the juvenile court process, termination of parental
10 rights, child development, medical aspects of child abuse, and
11 the child's need for safety and permanence.

12 (Source: P.A. 101-81, eff. 7-12-19; 102-208, eff. 7-30-21.)

13 (705 ILCS 405/2-17.1)

14 Sec. 2-17.1. Court appointed special advocate.

15 (1) The court shall appoint a special advocate upon the
16 filing of a petition under this Article or at any time during
17 the pendency of a proceeding under this Article if special
18 advocates are available. The court appointed special advocate
19 may also serve as guardian ad litem by appointment of the court
20 under Section 2-17 of this Act.

21 (1.2) In counties of populations over 3,000,000 the court
22 may appoint a special advocate upon the filing of a petition
23 under this Article or at any time during the pendency of a
24 proceeding under this Article. No special advocate shall act
25 as guardian ad litem in counties of populations over

1 3,000,000.

2 (1.5) "Court appointed special advocate" means a community
3 volunteer who:

4 (a) is 21 or older;

5 (b) shall receive training with State and nationally
6 developed standards, has been screened and trained
7 regarding child abuse and neglect, child development, and
8 juvenile court proceedings according to the standards of
9 the National CASA Association;

10 (c) is being actively supervised by a court appointed
11 special advocate program in good standing with the
12 Illinois Association of Court Appointed Special Advocates;
13 and

14 (d) has been sworn in by a circuit court judge
15 assigned to juvenile cases in the circuit court in which
16 the court appointed special advocate ~~he or she~~ wishes to
17 serve.

18 Court appointed special advocate programs shall promote
19 policies, practices, and procedures that are culturally
20 competent. As used in this Section, "cultural competency"
21 means the capacity to function in more than one culture,
22 requiring the ability to appreciate, understand, and interact
23 with members of diverse populations within the local
24 community.

25 (2) The court appointed special advocate shall:

26 (a) conduct an independent assessment to monitor the

1 facts and circumstances surrounding the case by monitoring
2 the court order;

3 (b) maintain regular and sufficient in-person contact
4 with the minor;

5 (c) submit written reports to the court regarding the
6 minor's best interests;

7 (d) advocate for timely court hearings to obtain
8 permanency for the minor;

9 (e) be notified of all administrative case reviews
10 pertaining to the minor and work with the parties'
11 attorneys, the guardian ad litem, and others assigned to
12 the minor's case to protect the minor's health, safety,
13 and best interests and insure the proper delivery of child
14 welfare services;

15 (f) attend all court hearings and other proceedings to
16 advocate for the minor's best interests;

17 (g) monitor compliance with the case plan and all
18 court orders; and

19 (h) review all court documents that relate to the
20 minor child.

21 (2.1) The court may consider, at its discretion, testimony
22 of the court appointed special advocate pertaining to the
23 well-being of the minor.

24 (2.2) Upon presentation of an order of appointment, a
25 court appointed special advocate shall have access to all
26 records and information relevant to the minor's case with

1 regard to the minor child.

2 (2.2-1) All records and information acquired, reviewed, or
3 produced by a court appointed special advocate during the
4 course of the court appointed special advocate's ~~his or her~~
5 appointment shall be deemed confidential and shall not be
6 disclosed except as ordered by the court.

7 (3) Court appointed special advocates shall serve as
8 volunteers without compensation and shall receive training
9 consistent with nationally developed standards.

10 (4) No person convicted of a criminal offense as specified
11 in Section 4.2 of the Child Care Act of 1969 and no person
12 identified as a perpetrator of an act of child abuse or neglect
13 as reflected in the Department of Children and Family Services
14 State Central Register shall serve as a court appointed
15 special advocate.

16 (5) All costs associated with the appointment and duties
17 of the court appointed special advocate shall be paid by the
18 court appointed special advocate or an organization of court
19 appointed special advocates. In no event shall the court
20 appointed special advocate be liable for any costs of services
21 provided to the child.

22 (6) The court may remove the court appointed special
23 advocate or the guardian ad litem from a case upon finding that
24 the court appointed special advocate or the guardian ad litem
25 has acted in a manner contrary to the child's best interest or
26 if the court otherwise deems continued service is unwanted or

1 unnecessary.

2 (7) In any county in which a program of court appointed
3 special advocates is in operation, the provisions of this
4 Section shall apply.

5 (8) Any court appointed special advocate acting in good
6 faith within the scope of the court appointed special
7 advocate's ~~his or her~~ appointment shall have immunity from any
8 civil or criminal liability that otherwise might result by
9 reason of the court appointed special advocate's ~~his or her~~
10 actions, except in cases of willful and wanton misconduct. For
11 the purpose of any civil or criminal proceedings, the good
12 faith of any court appointed special advocate shall be
13 presumed.

14 (Source: P.A. 102-607, eff. 1-1-22.)

15 (705 ILCS 405/2-20) (from Ch. 37, par. 802-20)

16 Sec. 2-20. Continuance under supervision.

17 (1) The court may enter an order of continuance under
18 supervision (a) upon an admission or stipulation by the
19 appropriate respondent or minor respondent of the facts
20 supporting the petition and before proceeding to findings and
21 adjudication, or after hearing the evidence at the
22 adjudicatory hearing but before noting in the minutes of
23 proceeding a finding of whether or not the minor is abused,
24 neglected or dependent; and (b) in the absence of objection
25 made in open court by the minor, the minor's ~~his~~ parent,

1 guardian, custodian, responsible relative, defense attorney or
2 the State's Attorney.

3 (2) If the minor, the minor's ~~his~~ parent, guardian,
4 custodian, responsible relative, defense attorney or the
5 State's Attorney, objects in open court to any such
6 continuance and insists upon proceeding to findings and
7 adjudication, the court shall so proceed.

8 (3) Nothing in this Section limits the power of the court
9 to order a continuance of the hearing for the production of
10 additional evidence or for any other proper reason.

11 (4) When a hearing where a minor is alleged to be abused,
12 neglected or dependent is continued pursuant to this Section,
13 the court may permit the minor to remain in the minor's ~~his~~
14 home if the court determines and makes written factual
15 findings that the minor can be cared for at home when
16 consistent with the minor's health, safety, and best
17 interests, subject to such conditions concerning the minor's
18 ~~his~~ 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 (Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98.)

11 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

12 Sec. 2-22. Dispositional hearing; evidence; continuance.

13 (1) At the dispositional hearing, the court shall
14 determine whether it is in the best interests of the minor and
15 the public that the minor ~~he~~ be made a ward of the court, and,
16 if the minor ~~he~~ is to be made a ward of the court, the court
17 shall determine the proper disposition best serving the
18 health, safety and interests of the minor and the public. The
19 court also shall consider the permanency goal set for the
20 minor, the nature of the service plan for the minor and the
21 services delivered and to be delivered under the plan. All
22 evidence helpful in determining these questions, including
23 oral and written reports, may be admitted and may be relied
24 upon to the extent of its probative value, even though not
25 competent for the purposes of the adjudicatory hearing.

1 (2) Once all parties respondent have been served in
2 compliance with Sections 2-15 and 2-16, no further service or
3 notice must be given to a party prior to proceeding to a
4 dispositional hearing. Before making an order of disposition
5 the court shall advise the State's Attorney, the parents,
6 guardian, custodian or responsible relative or their counsel
7 of the factual contents and the conclusions of the reports
8 prepared for the use of the court and considered by it, and
9 afford fair opportunity, if requested, to controvert them. The
10 court may order, however, that the documents containing such
11 reports need not be submitted to inspection, or that sources
12 of confidential information need not be disclosed except to
13 the attorneys for the parties. Factual contents, conclusions,
14 documents and sources disclosed by the court under this
15 paragraph shall not be further disclosed without the express
16 approval of the court pursuant to an in camera hearing.

17 (3) A record of a prior continuance under supervision
18 under Section 2-20, whether successfully completed with regard
19 to the child's health, safety and best interest, 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, if the adjournment is
25 consistent with the health, safety and best interests of the
26 minor, but in no event shall continuances be granted so that

1 the dispositional hearing occurs more than 6 months after the
2 initial removal of a minor from the minor's ~~his or her~~ home. In
3 scheduling investigations and hearings, the court shall give
4 priority to proceedings in which a minor has been removed from
5 the minor's ~~his or her~~ home before an order of disposition has
6 been made.

7 (5) Unless already set by the court, at the conclusion of
8 the dispositional hearing, the court shall set the date for
9 the first permanency hearing, to be conducted under subsection
10 (2) of Section 2-28, which shall be held: (a) within 12 months
11 from the date temporary custody was taken, (b) if the parental
12 rights of both parents have been terminated in accordance with
13 the procedure described in subsection (5) of Section 2-21,
14 within 30 days of the termination of parental rights and
15 appointment of a guardian with power to consent to adoption,
16 or (c) in accordance with subsection (2) of Section 2-13.1.

17 (6) When the court declares a child to be a ward of the
18 court and awards guardianship to the Department of Children
19 and Family Services, (a) the court shall admonish the parents,
20 guardian, custodian or responsible relative that the parents
21 must cooperate with the Department of Children and Family
22 Services, comply with the terms of the service plans, and
23 correct the conditions which require the child to be in care,
24 or risk termination of their parental rights; and (b) the
25 court shall inquire of the parties of any intent to proceed
26 with termination of parental rights of a parent:

- 1 (A) whose identity still remains unknown;
- 2 (B) whose whereabouts remain unknown; or
- 3 (C) who was found in default at the adjudicatory
- 4 hearing and has not obtained an order setting aside the
- 5 default in accordance with Section 2-1301 of the Code of
- 6 Civil Procedure.

7 (Source: P.A. 92-822, eff. 8-21-02.)

8 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

10 (1) The following kinds of orders of disposition may be

11 made in respect of wards of the court:

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

13 Section 2-3 or dependent under Section 2-4 may be (1)

14 continued in the custody of the minor's ~~his or her~~

15 parents, guardian or legal custodian; (2) placed in

16 accordance with Section 2-27; (3) restored to the custody

17 of the parent, parents, guardian, or legal custodian,

18 provided the court shall order the parent, parents,

19 guardian, or legal custodian to cooperate with the

20 Department of Children and Family Services and comply with

21 the terms of an after-care plan or risk the loss of custody

22 of the child and the possible termination of their

23 parental rights; or (4) ordered partially or completely

24 emancipated in accordance with the provisions of the

25 Emancipation of Minors Act.

1 If the minor is being restored to the custody of a
2 parent, legal custodian, or guardian who lives outside of
3 Illinois, and an Interstate Compact has been requested and
4 refused, the court may order the Department of Children
5 and Family Services to arrange for an assessment of the
6 minor's proposed living arrangement and for ongoing
7 monitoring of the health, safety, and best interest of the
8 minor and compliance with any order of protective
9 supervision entered in accordance with Section 2-24.

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

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

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

13 (b-1) A minor between the ages of 18 and 21 may be
14 placed pursuant to Section 2-27 of this Act if (1) the
15 court has granted a supplemental petition to reinstate
16 wardship of the minor pursuant to subsection (2) of
17 Section 2-33, (2) the court has adjudicated the minor a
18 ward of the court, permitted the minor to return home
19 under an order of protection, and subsequently made a
20 finding that it is in the minor's best interest to vacate
21 the order of protection and commit the minor to the
22 Department of Children and Family Services for care and
23 service, or (3) the court returned the minor to the
24 custody of the respondent under Section 2-4b of this Act
25 without terminating the proceedings under Section 2-31 of
26 this Act, and subsequently made a finding that it is in the

1 minor's best interest to commit the minor to the
2 Department of Children and Family Services for care and
3 services.

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

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

14 Unless the order of disposition expressly so provides, it
15 does not operate to close proceedings on the pending petition,
16 but is subject to modification, not inconsistent with Section
17 2-28, until final closing and discharge of the proceedings
18 under Section 2-31.

19 (3) The court also shall enter any other orders necessary
20 to fulfill the service plan, including, but not limited to,
21 (i) orders requiring parties to cooperate with services, (ii)
22 restraining orders controlling the conduct of any party likely
23 to frustrate the achievement of the goal, and (iii) visiting
24 orders. When the child is placed separately from a sibling,
25 the court shall review the Sibling Contact Support Plan
26 developed under subsection (f) of Section 7.4 of the Children

1 and Family Services Act, if applicable. If the Department has
2 not convened a meeting to develop a Sibling Contact Support
3 Plan, or if the court finds that the existing Plan is not in
4 the child's best interest, the court may enter an order
5 requiring the Department to develop and implement a Sibling
6 Contact Support Plan under subsection (f) of Section 7.4 of
7 the Children and Family Services Act or order mediation.
8 Unless otherwise specifically authorized by law, the court is
9 not empowered under this subsection (3) to order specific
10 placements, specific services, or specific service providers
11 to be included in the plan. If, after receiving evidence, the
12 court determines that the services contained in the plan are
13 not reasonably calculated to facilitate achievement of the
14 permanency goal, the court shall put in writing the factual
15 basis supporting the determination and enter specific findings
16 based on the evidence. The court also shall enter an order for
17 the Department to develop and implement a new service plan or
18 to implement changes to the current service plan consistent
19 with the court's findings. The new service plan shall be filed
20 with the court and served on all parties within 45 days after
21 the date of the order. The court shall continue the matter
22 until the new service plan is filed. Except as authorized by
23 subsection (3.5) of this Section or authorized by law, the
24 court is not empowered under this Section to order specific
25 placements, specific services, or specific service providers
26 to be included in the service plan.

1 (3.5) If, after reviewing the evidence, including evidence
2 from the Department, the court determines that the minor's
3 current or planned placement is not necessary or appropriate
4 to facilitate achievement of the permanency goal, the court
5 shall put in writing the factual basis supporting its
6 determination and enter specific findings based on the
7 evidence. If the court finds that the minor's current or
8 planned placement is not necessary or appropriate, the court
9 may enter an order directing the Department to implement a
10 recommendation by the minor's treating clinician or a
11 clinician contracted by the Department to evaluate the minor
12 or a recommendation made by the Department. If the Department
13 places a minor in a placement under an order entered under this
14 subsection (3.5), the Department has the authority to remove
15 the minor from that placement when a change in circumstances
16 necessitates the removal to protect the minor's health,
17 safety, and best interest. If the Department determines
18 removal is necessary, the Department shall notify the parties
19 of the planned placement change in writing no later than 10
20 days prior to the implementation of its determination unless
21 remaining in the placement poses an imminent risk of harm to
22 the minor, in which case the Department shall notify the
23 parties of the placement change in writing immediately
24 following the implementation of its decision. The Department
25 shall notify others of the decision to change the minor's
26 placement as required by Department rule.

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

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

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

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

1 (Source: P.A. 101-79, eff. 7-12-19; 102-489, eff. 8-20-21.)

2 (705 ILCS 405/2-24) (from Ch. 37, par. 802-24)

3 Sec. 2-24. Protective supervision.

4 (1) If the order of disposition, following a determination
5 of the best interests of the minor, releases the minor to the
6 custody of the minor's ~~his~~ parents, guardian or legal
7 custodian, or continues the minor ~~him~~ in such custody, the
8 court may, if the health, safety and best interests of the
9 minor require, place the person having custody of the minor,
10 except for representatives of private or public agencies or
11 governmental departments, under supervision of the probation
12 office.

13 (2) An order of protective supervision may require the
14 parent to present the child for periodic medical examinations,
15 which shall include an opportunity for medical personnel to
16 speak with and examine the child outside the presence of the
17 parent. The results of the medical examinations conducted in
18 accordance with this Section shall be made available to the
19 Department, the guardian ad litem, and the court.

20 (3) Rules or orders of court shall define the terms and
21 conditions of protective supervision, which may be modified or
22 terminated when the court finds that the health, safety and
23 best interests of the minor and the public will be served
24 thereby.

25 (Source: P.A. 90-28, eff. 1-1-98.)

1 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

2 Sec. 2-25. Order of protection.

3 (1) The court may make an order of protection in
4 assistance of or as a condition of any other order authorized
5 by this Act. The order of protection shall be based on the
6 health, safety and best interests of the minor and may set
7 forth reasonable conditions of behavior to be observed for a
8 specified period. Such an order may require a person:

9 (a) to stay away from the home or the minor;

10 (b) to permit a parent to visit the minor at stated
11 periods;

12 (c) to abstain from offensive conduct against the
13 minor, the minor's ~~his~~ parent or any person to whom
14 custody of the minor is awarded;

15 (d) to give proper attention to the care of the home;

16 (e) to cooperate in good faith with an agency to which
17 custody of a minor is entrusted by the court or with an
18 agency or association to which the minor is referred by
19 the court;

20 (f) to prohibit and prevent any contact whatsoever
21 with the respondent minor by a specified individual or
22 individuals who are alleged in either a criminal or
23 juvenile proceeding to have caused injury to a respondent
24 minor or a sibling of a respondent minor;

25 (g) to refrain from acts of commission or omission

1 that tend to make the home not a proper place for the
2 minor;

3 (h) to refrain from contacting the minor and the
4 foster parents in any manner that is not specified in
5 writing in the case plan.

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 such 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 health, safety,
7 and best interests of the minor and the public will be served
8 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 if
11 such an order is consistent with the health, safety, and best
12 interests of the minor. Any person against whom an order of
13 protection is sought may retain counsel to represent the
14 person ~~him~~ at a hearing, and has rights to be present at the
15 hearing, to be informed prior to the hearing in writing of the
16 contents of the petition seeking a protective order and of the
17 date, place and time of such hearing, and to cross examine
18 witnesses called by the petitioner and to present witnesses
19 and argument in opposition to the relief sought in the
20 petition.

21 (6) Diligent efforts shall be made by the petitioner to
22 serve any person or persons against whom any order of
23 protection is sought with written notice of the contents of
24 the petition seeking a protective order and of the date, place
25 and time at which the hearing on the petition is to be held.
26 When a protective order is being sought in conjunction with a

1 temporary custody hearing, if the court finds that the person
2 against whom the protective order is being sought has been
3 notified of the hearing or that diligent efforts have been
4 made to notify such person, the court may conduct a hearing. If
5 a protective order is sought at any time other than in
6 conjunction with a temporary custody hearing, the court may
7 not conduct a hearing on the petition in the absence of the
8 person against whom the order is sought unless the petitioner
9 has notified such person by personal service at least 3 days
10 before the hearing or has sent written notice by first class
11 mail to such person's last known address at least 5 days before
12 the hearing.

13 (7) A person against whom an order of protection is being
14 sought who is neither a parent, guardian, legal custodian or
15 responsible relative as described in Section 1-5 is not a
16 party or respondent as defined in that Section and shall not be
17 entitled to the rights provided therein. Such person does not
18 have a right to appointed counsel or to be present at any
19 hearing other than the hearing in which the order of
20 protection is being sought or a hearing directly pertaining to
21 that order. Unless the court orders otherwise, such person
22 does not have a right to inspect the court file.

23 (8) All protective orders entered under this Section shall
24 be in writing. Unless the person against whom the order was
25 obtained was present in court when the order was issued, the
26 sheriff, other law enforcement official or special process

1 server shall promptly serve that order upon that person and
2 file proof of such service, in the manner provided for service
3 of process in civil proceedings. The person against whom the
4 protective order was obtained may seek a modification of the
5 order by filing a written motion to modify the order within 7
6 days after actual receipt by the person of a copy of the order.
7 Any modification of the order granted by the court must be
8 determined to be consistent with the best interests of the
9 minor.

10 (9) If a petition is filed charging a violation of a
11 condition contained in the protective order and if the court
12 determines that this violation is of a critical service
13 necessary to the safety and welfare of the minor, the court may
14 proceed to findings and an order for temporary custody.

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

16 (705 ILCS 405/2-26) (from Ch. 37, par. 802-26)

17 Sec. 2-26. Enforcement of orders of protective supervision
18 or of protection.

19 (1) Orders of protective supervision and orders of
20 protection may be enforced by citation to show cause for
21 contempt of court by reason of any violation thereof and,
22 where protection of the welfare of the minor so requires, by
23 the issuance of a warrant to take the alleged violator into
24 custody and bring the minor ~~him~~ before the court.

25 (2) In any case where an order of protection has been

1 entered, the clerk of the court may issue to the petitioner, to
2 the minor or to any other person affected by the order a
3 certificate stating that an order of protection has been made
4 by the court concerning such persons and setting forth its
5 terms and requirements. The presentation of the certificate to
6 any peace officer authorizes the peace officer ~~him~~ to take
7 into custody a person charged with violating the terms of the
8 order of protection, to bring such person before the court
9 and, within the limits of the peace officer's ~~his~~ legal
10 authority as such peace officer, otherwise to aid in securing
11 the protection the order is intended to afford.

12 (Source: P.A. 85-601.)

13 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

14 Sec. 2-27. Placement; legal custody or guardianship.

15 (1) If the court determines and puts in writing the
16 factual basis supporting the determination of whether the
17 parents, guardian, or legal custodian of a minor adjudged a
18 ward of the court are unfit or are unable, for some reason
19 other than financial circumstances alone, to care for,
20 protect, train or discipline the minor or are unwilling to do
21 so, and that the health, safety, and best interest of the minor
22 will be jeopardized if the minor remains in the custody of the
23 minor's ~~his or her~~ parents, guardian or custodian, the court
24 may at this hearing and at any later point:

25 (a) place the minor in the custody of a suitable

1 relative or other person as legal custodian or guardian;

2 (a-5) with the approval of the Department of Children
3 and Family Services, place the minor in the subsidized
4 guardianship of a suitable relative or other person as
5 legal guardian; "subsidized guardianship" means a private
6 guardianship arrangement for children for whom the
7 permanency goals of return home and adoption have been
8 ruled out and who meet the qualifications for subsidized
9 guardianship as defined by the Department of Children and
10 Family Services in administrative rules;

11 (b) place the minor under the guardianship of a
12 probation officer;

13 (c) commit the minor to an agency for care or
14 placement, except an institution under the authority of
15 the Department of Corrections or of the Department of
16 Children and Family Services;

17 (d) on and after the effective date of this amendatory
18 Act of the 98th General Assembly and before January 1,
19 2017, commit the minor to the Department of Children and
20 Family Services for care and service; however, a minor
21 charged with a criminal offense under the Criminal Code of
22 1961 or the Criminal Code of 2012 or adjudicated
23 delinquent shall not be placed in the custody of or
24 committed to the Department of Children and Family
25 Services by any court, except (i) a minor less than 16
26 years of age and committed to the Department of Children

1 and Family Services under Section 5-710 of this Act, (ii)
2 a minor under the age of 18 for whom an independent basis
3 of abuse, neglect, or dependency exists, or (iii) a minor
4 for whom the court has granted a supplemental petition to
5 reinstate wardship pursuant to subsection (2) of Section
6 2-33 of this Act. On and after January 1, 2017, commit the
7 minor to the Department of Children and Family Services
8 for care and service; however, a minor charged with a
9 criminal offense under the Criminal Code of 1961 or the
10 Criminal Code of 2012 or adjudicated delinquent shall not
11 be placed in the custody of or committed to the Department
12 of Children and Family Services by any court, except (i) a
13 minor less than 15 years of age and committed to the
14 Department of Children and Family Services under Section
15 5-710 of this Act, (ii) a minor under the age of 18 for
16 whom an independent basis of abuse, neglect, or dependency
17 exists, or (iii) a minor for whom the court has granted a
18 supplemental petition to reinstate wardship pursuant to
19 subsection (2) of Section 2-33 of this Act. An independent
20 basis exists when the allegations or adjudication of
21 abuse, neglect, or dependency do not arise from the same
22 facts, incident, or circumstances which give rise to a
23 charge or adjudication of delinquency. The Department
24 shall be given due notice of the pendency of the action and
25 the Guardianship Administrator of the Department of
26 Children and Family Services shall be appointed guardian

1 of the person of the minor. Whenever the Department seeks
2 to discharge a minor from its care and service, the
3 Guardianship Administrator shall petition the court for an
4 order terminating guardianship. The Guardianship
5 Administrator may designate one or more other officers of
6 the Department, appointed as Department officers by
7 administrative order of the Department Director,
8 authorized to affix the signature of the Guardianship
9 Administrator to documents affecting the guardian-ward
10 relationship of children for whom the Guardianship
11 Administrator ~~he or she~~ has been appointed guardian at
12 such times as the Guardianship Administrator ~~he or she~~ is
13 unable to perform the duties of the Guardianship
14 Administrator ~~his or her~~ office. The signature
15 authorization shall include but not be limited to matters
16 of consent of marriage, enlistment in the armed forces,
17 legal proceedings, adoption, major medical and surgical
18 treatment and application for driver's license. Signature
19 authorizations made pursuant to the provisions of this
20 paragraph shall be filed with the Secretary of State and
21 the Secretary of State shall provide upon payment of the
22 customary fee, certified copies of the authorization to
23 any court or individual who requests a copy.

24 (1.5) In making a determination under this Section, the
25 court shall also consider whether, based on health, safety,
26 and the best interests of the minor,

1 (a) appropriate services aimed at family preservation
2 and family reunification have been unsuccessful in
3 rectifying the conditions that have led to a finding of
4 unfitness or inability to care for, protect, train, or
5 discipline the minor, or

6 (b) no family preservation or family reunification
7 services would be appropriate,
8 and if the petition or amended petition contained an
9 allegation that the parent is an unfit person as defined in
10 subdivision (D) of Section 1 of the Adoption Act, and the order
11 of adjudication recites that parental unfitness was
12 established by clear and convincing evidence, the court shall,
13 when appropriate and in the best interest of the minor, enter
14 an order terminating parental rights and appointing a guardian
15 with power to consent to adoption in accordance with Section
16 2-29.

17 When making a placement, the court, wherever possible,
18 shall require the Department of Children and Family Services
19 to select a person holding the same religious belief as that of
20 the minor or a private agency controlled by persons of like
21 religious faith of the minor and shall require the Department
22 to otherwise comply with Section 7 of the Children and Family
23 Services Act in placing the child. In addition, whenever
24 alternative plans for placement are available, the court shall
25 ascertain and consider, to the extent appropriate in the
26 particular case, the views and preferences of the minor.

1 (2) When a minor is placed with a suitable relative or
2 other person pursuant to item (a) of subsection (1), the court
3 shall appoint the suitable relative or other person ~~him or her~~
4 the legal custodian or guardian of the person of the minor.
5 When a minor is committed to any agency, the court shall
6 appoint the proper officer or representative thereof as legal
7 custodian or guardian of the person of the minor. Legal
8 custodians and guardians of the person of the minor have the
9 respective rights and duties set forth in subsection (9) of
10 Section 1-3 except as otherwise provided by order of court;
11 but no guardian of the person may consent to adoption of the
12 minor unless that authority is conferred upon the guardian ~~him~~
13 ~~or her~~ in accordance with Section 2-29. An agency whose
14 representative is appointed guardian of the person or legal
15 custodian of the minor may place the minor in any child care
16 facility, but the facility must be licensed under the Child
17 Care Act of 1969 or have been approved by the Department of
18 Children and Family Services as meeting the standards
19 established for such licensing. No agency may place a minor
20 adjudicated under Sections 2-3 or 2-4 in a child care facility
21 unless the placement is in compliance with the rules and
22 regulations for placement under this Section promulgated by
23 the Department of Children and Family Services under Section 5
24 of the Children and Family Services Act. Like authority and
25 restrictions shall be conferred by the court upon any
26 probation officer who has been appointed guardian of the

1 person of a minor.

2 (3) No placement by any probation officer or agency whose
3 representative is appointed guardian of the person or legal
4 custodian of a minor may be made in any out of State child care
5 facility unless it complies with the Interstate Compact on the
6 Placement of Children. Placement with a parent, however, is
7 not subject to that Interstate Compact.

8 (4) The clerk of the court shall issue to the legal
9 custodian or guardian of the person a certified copy of the
10 order of court, as proof of the legal custodian's or
11 guardian's ~~his~~ authority. No other process is necessary as
12 authority for the keeping of the minor.

13 (5) Custody or guardianship granted under this Section
14 continues until the court otherwise directs, but not after the
15 minor reaches the age of 19 years except as set forth in
16 Section 2-31, or if the minor was previously committed to the
17 Department of Children and Family Services for care and
18 service and the court has granted a supplemental petition to
19 reinstate wardship pursuant to subsection (2) of Section 2-33.

20 (6) (Blank).

21 (Source: P.A. 101-79, eff. 7-12-19.)

22 (705 ILCS 405/2-27.1)

23 Sec. 2-27.1. Placement; secure child care facility.

24 (1) A minor under 18 years of age and who is subject under
25 Article II of this Act to a secure child care facility may be

1 admitted to a secure child care facility for inpatient
2 treatment upon application to the facility director if, prior
3 to admission, the facility director and the Director of the
4 Department of Children and Family Services or the Director's
5 designate find that: the minor has a mental illness or
6 emotional disturbance, including but not limited to a behavior
7 disorder, of such severity that placement in a secure child
8 care facility is necessary because in the absence of such a
9 placement, the minor is likely to endanger self or others or
10 not meet the minor's ~~his or her~~ basic needs and this placement
11 is the least restrictive alternative. Prior to admission, a
12 psychiatrist, clinical social worker, or clinical psychologist
13 who has personally examined the minor shall state in writing
14 that the minor meets the standards for admission. The
15 statement must set forth in detail the reasons for that
16 conclusion and shall indicate what alternatives to secure
17 treatment have been explored. When the minor is placed in a
18 child care facility which includes a secure child care
19 facility in addition to a less restrictive setting, and the
20 application for admission states that the minor will be
21 permanently placed in the less restrictive setting of the
22 child care facility as part of the minor's ~~his or her~~
23 permanency plan after the need for secure treatment has ended,
24 the psychiatrist, clinical social worker, or clinical
25 psychologist shall state the reasons for the minor's need to
26 be placed in secure treatment, the conditions under which the

1 minor may be placed in the less restrictive setting of the
2 facility, and the conditions under which the minor may need to
3 be returned to secure treatment.

4 (2) The application for admission under this Section shall
5 contain, in large bold-face type, a statement written in
6 simple non-technical terms of the minor's right to object and
7 the right to a hearing. A minor 12 years of age or older must
8 be given a copy of the application and the statement should be
9 explained to the minor ~~him or her~~ in an understandable manner.
10 A copy of the application shall also be given to the person who
11 executed it, the designate of the Director of the Department
12 of Children and Family Services, the minor's parent, the
13 minor's attorney, and, if the minor is 12 years of age or
14 older, 2 other persons whom the minor may designate, excluding
15 persons whose whereabouts cannot reasonably be ascertained.

16 (3) Thirty days after admission, the facility director
17 shall review the minor's record and assess the need for
18 continuing placement in a secure child care facility. When the
19 minor has been placed in a child care facility which includes a
20 secure child care facility in addition to a less restrictive
21 setting, and the application for admission states that the
22 minor will be permanently placed in the less restrictive
23 setting of the child care facility as part of the minor's ~~his~~
24 ~~or her~~ permanency plan after the need for secure treatment has
25 ended, the facility director shall review the stated reasons
26 for the minor's need to be placed in secure treatment, the

1 conditions under which the minor may be placed in the less
2 restrictive setting of the facility, and the conditions under
3 which the minor may need to be returned to secure treatment.
4 The director of the facility shall consult with the designate
5 of the Director of the Department of Children and Family
6 Services and request authorization for continuing placement of
7 the minor. Request and authorization should be noted in the
8 minor's record. Every 60 days thereafter a review shall be
9 conducted and new authorization shall be secured from the
10 designate for as long as placement continues. Failure or
11 refusal to authorize continued placement shall constitute a
12 request for the minor's discharge.

13 (4) At any time during a minor's placement in a secure
14 child care facility, an objection may be made to that
15 placement by the minor, the minor's parents (except where
16 parental rights have been terminated), the minor's guardian ad
17 litem, or the minor's attorney. When an objection is made, the
18 minor shall be discharged at the earliest appropriate time not
19 to exceed 15 days, including Saturdays, Sundays, and holidays
20 unless the objection is withdrawn in writing or unless, within
21 that time, the Director or the Director's ~~his or her~~ designate
22 files with the Court a petition for review of the admission.
23 The petition must be accompanied by a certificate signed by a
24 psychiatrist, clinical social worker, or clinical
25 psychologist. The certificate shall be based upon a personal
26 examination and shall specify that the minor has a mental

1 illness or an emotional disturbance of such severity that
2 placement in a secure facility is necessary, that the minor
3 can benefit from the placement, that a less restrictive
4 alternative is not appropriate, and that the placement is in
5 the minor's best interest.

6 (5) Upon receipt of a petition, the court shall set a
7 hearing to be held within 5 days, excluding Saturdays,
8 Sundays, and holidays. The court shall direct that notice of
9 the time and place of the hearing shall be served upon the
10 minor, the minor's ~~his or her~~ attorney and the minor's
11 guardian ad litem, the Director of the Department of Children
12 and Family Services or the Director's ~~his or her~~ designate,
13 the State's Attorney, and the attorney for the parents.

14 (6) The court shall order the minor discharged from the
15 secure child care facility if it determines that the minor
16 does not have a mental illness or emotional disturbance of
17 such severity that placement in a secure facility is
18 necessary, or if it determines that a less restrictive
19 alternative is appropriate.

20 (7) If however, the court finds that the minor does have a
21 mental illness or an emotional disturbance for which the minor
22 is likely to benefit from treatment but that a less
23 restrictive alternative is appropriate, the court shall order
24 that the Department of Children and Family Services prepare a
25 case plan for the minor which permits alternative treatment
26 which is capable of providing adequate and humane treatment in

1 the least restrictive setting that is appropriate to the
2 minor's condition and serves the minor's best interests, and
3 shall authorize the continued placement of the minor in the
4 secure child care facility. At each permanency hearing
5 conducted thereafter, the court shall determine whether the
6 minor does not have a mental illness or emotional disturbance
7 of such severity that placement in a secure facility is
8 necessary or, if a less restrictive alternative is
9 appropriate. If either of these 2 conditions are not met, the
10 court shall order the minor discharged from the secure child
11 care facility.

12 (8) Unwillingness or inability of the Department of
13 Children and Family Services to find a placement for the minor
14 shall not be grounds for the court's refusing to order
15 discharge of the minor.

16 (Source: P.A. 90-608, eff. 6-30-98.)

17 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

18 Sec. 2-28. Court review.

19 (1) The court may require any legal custodian or guardian
20 of the person appointed under this Act to report periodically
21 to the court or may cite the legal custodian or guardian ~~him~~
22 into court and require the legal custodian, guardian, ~~him~~ or
23 the legal custodian's or guardian's ~~his~~ agency, to make a full
24 and accurate report of the ~~his or its~~ doings of the legal
25 custodian, guardian, or agency on ~~in~~ behalf of the minor. The

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

25 (1.5) The public agency that is the custodian or guardian
26 of the minor shall file a written report with the court no

1 later than 15 days after a minor in the agency's care remains:

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

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

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

9 The report shall explain the steps the agency is taking to
10 ensure the minor is placed appropriately, how the minor's
11 needs are being met in the minor's shelter placement, and if a
12 future placement has been identified by the Department, why
13 the anticipated placement is appropriate for the needs of the
14 minor and the anticipated placement date.

15 (1.6) Within 35 days after placing a child in its care in a
16 qualified residential treatment program, as defined by the
17 federal Social Security Act, the Department of Children and
18 Family Services shall file a written report with the court and
19 send copies of the report to all parties. Within 20 days of the
20 filing of the report, the court shall hold a hearing to
21 consider the Department's report and determine whether
22 placement of the child in a qualified residential treatment
23 program provides the most effective and appropriate level of
24 care for the child in the least restrictive environment and if
25 the placement is consistent with the short-term and long-term
26 goals for the child, as specified in the permanency plan for

1 the child. The court shall approve or disapprove the
2 placement. If applicable, the requirements of Sections 2-27.1
3 and 2-27.2 must also be met. The Department's written report
4 and the court's written determination shall be included in and
5 made part of the case plan for the child. If the child remains
6 placed in a qualified residential treatment program, the
7 Department shall submit evidence at each status and permanency
8 hearing:

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

18 (2) documenting the specific treatment or service
19 needs that should be met for the child in the placement and
20 the length of time the child is expected to need the
21 treatment or services; and

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

26 (2) The first permanency hearing shall be conducted by the

1 judge. Subsequent permanency hearings may be heard by a judge
2 or by hearing officers appointed or approved by the court in
3 the manner set forth in Section 2-28.1 of this Act. The initial
4 hearing shall be held (a) within 12 months from the date
5 temporary custody was taken, regardless of whether an
6 adjudication or dispositional hearing has been completed
7 within that time frame, (b) if the parental rights of both
8 parents have been terminated in accordance with the procedure
9 described in subsection (5) of Section 2-21, within 30 days of
10 the order for termination of parental rights and appointment
11 of a guardian with power to consent to adoption, or (c) in
12 accordance with subsection (2) of Section 2-13.1. Subsequent
13 permanency hearings shall be held every 6 months or more
14 frequently if necessary in the court's determination following
15 the initial permanency hearing, in accordance with the
16 standards set forth in this Section, until the court
17 determines that the plan and goal have been achieved. Once the
18 plan and goal have been achieved, if the minor remains in
19 substitute care, the case shall be reviewed at least every 6
20 months thereafter, subject to the provisions of this Section,
21 unless the minor is placed in the guardianship of a suitable
22 relative or other person and the court determines that further
23 monitoring by the court does not further the health, safety,
24 or best interest of the child and that this is a stable
25 permanent placement. The permanency hearings must occur within
26 the time frames set forth in this subsection and may not be

1 delayed in anticipation of a report from any source or due to
2 the agency's failure to timely file its written report (this
3 written report means the one required under the next paragraph
4 and does not mean the service plan also referred to in that
5 paragraph).

6 The public agency that is the custodian or guardian of the
7 minor, or another agency responsible for the minor's care,
8 shall ensure that all parties to the permanency hearings are
9 provided a copy of the most recent service plan prepared
10 within the prior 6 months at least 14 days in advance of the
11 hearing. If not contained in the agency's service plan, the
12 agency shall also include a report setting forth (i) any
13 special physical, psychological, educational, medical,
14 emotional, or other needs of the minor or the minor's ~~his or~~
15 ~~her~~ family that are relevant to a permanency or placement
16 determination and (ii) for any minor age 16 or over, a written
17 description of the programs and services that will enable the
18 minor to prepare for independent living. If not contained in
19 the agency's service plan, the agency's report shall specify
20 if a minor is placed in a licensed child care facility under a
21 corrective plan by the Department due to concerns impacting
22 the minor's safety and well-being. The report shall explain
23 the steps the Department is taking to ensure the safety and
24 well-being of the minor and that the minor's needs are met in
25 the facility. The agency's written report must detail what
26 progress or lack of progress the parent has made in correcting

1 the conditions requiring the child to be in care; whether the
2 child can be returned home without jeopardizing the child's
3 health, safety, and welfare, and if not, what permanency goal
4 is recommended to be in the best interests of the child, and
5 why the other permanency goals are not appropriate. The
6 caseworker must appear and testify at the permanency hearing.
7 If a permanency hearing has not previously been scheduled by
8 the court, the moving party shall move for the setting of a
9 permanency hearing and the entry of an order within the time
10 frames set forth in this subsection.

11 At the permanency hearing, the court shall determine the
12 future status of the child. The court shall set one of the
13 following permanency goals:

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

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

21 (B-1) The minor will be in short-term care with a
22 continued goal to return home pending a status hearing.
23 When the court finds that a parent has not made reasonable
24 efforts or reasonable progress to date, the court shall
25 identify what actions the parent and the Department must
26 take in order to justify a finding of reasonable efforts

1 or reasonable progress and shall set a status hearing to
2 be held not earlier than 9 months from the date of
3 adjudication nor later than 11 months from the date of
4 adjudication during which the parent's progress will again
5 be reviewed.

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

8 (D) Adoption, provided that parental rights have been
9 terminated or relinquished.

10 (E) The guardianship of the minor will be transferred
11 to an individual or couple on a permanent basis provided
12 that goals (A) through (D) have been deemed inappropriate
13 and not in the child's best interests. The court shall
14 confirm that the Department has discussed adoption, if
15 appropriate, and guardianship with the caregiver prior to
16 changing a goal to guardianship.

17 (F) The minor over age 15 will be in substitute care
18 pending independence. In selecting this permanency goal,
19 the Department of Children and Family Services may provide
20 services to enable reunification and to strengthen the
21 minor's connections with family, fictive kin, and other
22 responsible adults, provided the services are in the
23 minor's best interest. The services shall be documented in
24 the service plan.

25 (G) The minor will be in substitute care because the
26 minor ~~he or she~~ cannot be provided for in a home

1 environment due to developmental disabilities or mental
2 illness or because the minor ~~he or she~~ is a danger to self
3 or others, provided that goals (A) through (D) have been
4 deemed inappropriate and not in the child's best
5 interests.

6 In selecting any permanency goal, the court shall indicate
7 in writing the reasons the goal was selected and why the
8 preceding goals were deemed inappropriate and not in the
9 child's best interest. Where the court has selected a
10 permanency goal other than (A), (B), or (B-1), the Department
11 of Children and Family Services shall not provide further
12 reunification services, except as provided in paragraph (F) of
13 this subsection (2), but shall provide services consistent
14 with the goal selected.

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

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

20 (2) The court has deemed all other permanency
21 goals inappropriate based on the child's best
22 interest;

23 (3) The court has found compelling reasons, based
24 on written documentation reviewed by the court, to
25 place the minor in continuing foster care. Compelling
26 reasons include:

1 (a) the child does not wish to be adopted or to
2 be placed in the guardianship of the minor's ~~his~~
3 ~~or her~~ relative or foster care placement;

4 (b) the child exhibits an extreme level of
5 need such that the removal of the child from the
6 minor's ~~his or her~~ placement would be detrimental
7 to the child; or

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

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

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

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

1 minor. The court's determination shall include the following
2 factors:

3 (1) Age of the child.

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

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

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

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

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

15 (7) Status of siblings of the minor.

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

25 The court shall make findings as to whether, in violation
26 of Section 8.2 of the Abused and Neglected Child Reporting

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

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

23 The court shall review the Sibling Contact Support Plan
24 developed or modified under subsection (f) of Section 7.4 of
25 the Children and Family Services Act, if applicable. If the
26 Department has not convened a meeting to develop or modify a

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

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

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

25 A guardian or custodian appointed by the court pursuant to
26 this Act shall file updated case plans with the court every 6

1 months.

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

5 (2.5) If, after reviewing the evidence, including evidence
6 from the Department, the court determines that the minor's
7 current or planned placement is not necessary or appropriate
8 to facilitate achievement of the permanency goal, the court
9 shall put in writing the factual basis supporting its
10 determination and enter specific findings based on the
11 evidence. If the court finds that the minor's current or
12 planned placement is not necessary or appropriate, the court
13 may enter an order directing the Department to implement a
14 recommendation by the minor's treating clinician or a
15 clinician contracted by the Department to evaluate the minor
16 or a recommendation made by the Department. If the Department
17 places a minor in a placement under an order entered under this
18 subsection (2.5), the Department has the authority to remove
19 the minor from that placement when a change in circumstances
20 necessitates the removal to protect the minor's health,
21 safety, and best interest. If the Department determines
22 removal is necessary, the Department shall notify the parties
23 of the planned placement change in writing no later than 10
24 days prior to the implementation of its determination unless
25 remaining in the placement poses an imminent risk of harm to
26 the minor, in which case the Department shall notify the

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

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

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

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

17 (i) (Blank).

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

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

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

8 (iv) (Blank).

9 (v) (Blank).

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

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

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

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

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

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

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

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

25 When the court orders a child restored to the custody of
26 the parent or parents, the court shall order the parent or

1 parents to cooperate with the Department of Children and
2 Family Services and comply with the terms of an after-care
3 plan, or risk the loss of custody of the child and possible
4 termination of their parental rights. The court may also enter
5 an order of protective supervision in accordance with Section
6 2-24.

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

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

1 custodian.

2 (a) Any agency of this State or any subdivision
3 thereof shall cooperate with the agent of the court in
4 providing any information sought in the investigation.

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

12 (c) All information obtained from any investigation
13 shall be confidential as provided in Section 5-150 of this
14 Act.

15 (Source: P.A. 101-63, eff. 10-1-19; 102-193, eff. 7-30-21;
16 102-489, eff. 8-20-21; 102-813, eff. 5-13-22; revised
17 8-23-22.)

18 (705 ILCS 405/2-29) (from Ch. 37, par. 802-29)

19 Sec. 2-29. Adoption; appointment of guardian with power to
20 consent.

21 (1) With leave of the court, a minor who is the subject of
22 an abuse, neglect, or dependency petition under this Act may
23 be the subject of a petition for adoption under the Adoption
24 Act.

25 (1.1) The parent or parents of a child in whose interest a

1 petition under Section 2-13 of this Act is pending may, in the
2 manner required by the Adoption Act, (a) surrender the child
3 ~~him or her~~ for adoption to an agency legally authorized or
4 licensed to place children for adoption, (b) consent to the
5 child's ~~his or her~~ adoption, or (c) consent to the child's ~~his~~
6 ~~or her~~ adoption by a specified person or persons. Nothing in
7 this Section requires that the parent or parents execute the
8 surrender, consent, or consent to adoption by a specified
9 person in open court.

10 (2) If a petition or motion alleges and the court finds
11 that it is in the best interest of the minor that parental
12 rights be terminated and the petition or motion requests that
13 a guardian of the person be appointed and authorized to
14 consent to the adoption of the minor, the court, with the
15 consent of the parents, if living, or after finding, based
16 upon clear and convincing evidence, that a parent is an unfit
17 person as defined in Section 1 of the Adoption Act, may
18 terminate parental rights and empower the guardian of the
19 person of the minor, in the order appointing the guardian of
20 the person of the minor ~~him or her~~ as such guardian, to appear
21 in court where any proceedings for the adoption of the minor
22 may at any time be pending and to consent to the adoption. Such
23 consent is sufficient to authorize the court in the adoption
24 proceedings to enter a proper order or judgment of adoption
25 without further notice to, or consent by, the parents of the
26 minor. An order so empowering the guardian to consent to

1 adoption deprives the parents of the minor of all legal rights
2 as respects the minor and relieves them of all parental
3 responsibility for the minor ~~him or her~~, and frees the minor
4 from all obligations of maintenance and obedience to the
5 minor's ~~his or her~~ natural parents.

6 If the minor is over 14 years of age, the court may, in its
7 discretion, consider the wishes of the minor in determining
8 whether the best interests of the minor would be promoted by
9 the finding of the unfitness of a non-consenting parent.

10 (2.1) Notice to a parent who has appeared or been served
11 with summons personally or by certified mail, and for whom an
12 order of default has been entered on the petition for wardship
13 and has not been set aside shall be provided in accordance with
14 Supreme Court Rule 11. Notice to a parent who was served by
15 publication and for whom an order of default has been entered
16 on the petition for wardship and has not been set aside shall
17 be provided in accordance with Sections 2-15 and 2-16.

18 (3) Parental consent to the order terminating parental
19 rights and authorizing the guardian of the person to consent
20 to adoption of the minor must be in writing and signed in the
21 form provided in the Adoption Act, but no names of petitioners
22 for adoption need be included.

23 (4) A finding of the unfitness of a parent must be made in
24 compliance with the Adoption Act, without regard to the
25 likelihood that the child will be placed for adoption, and be
26 based upon clear and convincing evidence. Provisions of the

1 Adoption Act relating to minor parents and to mentally ill or
2 mentally deficient parents apply to proceedings under this
3 Section and any findings with respect to such parents shall be
4 based upon clear and convincing evidence.

5 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by
6 P.A. 90-443); 90-28, eff. 1-1-98; 90-443, eff. 8-16-97;
7 90-608, eff. 6-30-98.)

8 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

9 Sec. 2-31. Duration of wardship and discharge of
10 proceedings.

11 (1) All proceedings under Article II of this Act in
12 respect of any minor automatically terminate upon the minor
13 ~~his or her~~ attaining the age of 21 years.

14 (2) Whenever the court determines, and makes written
15 factual findings, that health, safety, and the best interests
16 of the minor and the public no longer require the wardship of
17 the court, the court shall order the wardship terminated and
18 all proceedings under this Act respecting that minor finally
19 closed and discharged. The court may at the same time continue
20 or terminate any custodianship or guardianship theretofore
21 ordered but the termination must be made in compliance with
22 Section 2-28. When terminating wardship under this Section, if
23 the minor is over 18 or if wardship is terminated in
24 conjunction with an order partially or completely emancipating
25 the minor in accordance with the Emancipation of Minors Act,

1 the court shall also consider the following factors, in
2 addition to the health, safety, and best interest of the minor
3 and the public: (A) the minor's wishes regarding case closure;
4 (B) the manner in which the minor will maintain independence
5 without services from the Department; (C) the minor's
6 engagement in services including placement offered by the
7 Department; (D) if the minor is not engaged, the Department's
8 efforts to engage the minor; (E) the nature of communication
9 between the minor and the Department; (F) the minor's
10 involvement in other State systems or services; (G) the
11 minor's connections with family and other community support;
12 and (H) any other factor the court deems relevant. The minor's
13 lack of cooperation with services provided by the Department
14 of Children and Family Services shall not by itself be
15 considered sufficient evidence that the minor is prepared to
16 live independently and that it is in the best interest of the
17 minor to terminate wardship. It shall not be in the minor's
18 best interest to terminate wardship of a minor over the age of
19 18 who is in the guardianship of the Department of Children and
20 Family Services if the Department has not made reasonable
21 efforts to ensure that the minor has documents necessary for
22 adult living as provided in Section 35.10 of the Children and
23 Family Services Act.

24 (3) The wardship of the minor and any custodianship or
25 guardianship respecting the minor for whom a petition was
26 filed after July 24, 1991 (the effective date of Public Act

1 87-14) automatically terminates when the minor ~~he~~ attains the
2 age of 19 years, except as set forth in subsection (1) of this
3 Section. The clerk of the court shall at that time record all
4 proceedings under this Act as finally closed and discharged
5 for that reason. The provisions of this subsection (3) become
6 inoperative on and after July 12, 2019 (the effective date of
7 Public Act 101-78).

8 (4) Notwithstanding any provision of law to the contrary,
9 the changes made by Public Act 101-78 apply to all cases that
10 are pending on or after July 12, 2019 (the effective date of
11 Public Act 101-78).

12 (Source: P.A. 101-78, eff. 7-12-19; 102-558, eff. 8-20-21.)

13 (705 ILCS 405/2-34)

14 Sec. 2-34. Motion to reinstate parental rights.

15 (1) For purposes of this subsection (1), the term "parent"
16 refers to the person or persons whose rights were terminated
17 as described in paragraph (a) of this subsection; and the term
18 "minor" means a person under the age of 21 years subject to
19 this Act for whom the Department of Children and Family
20 Services Guardianship Administrator is appointed the temporary
21 custodian or guardian.

22 A motion to reinstate parental rights may be filed only by
23 the Department of Children and Family Services or the minor
24 regarding any minor who is presently a ward of the court under
25 Article II of this Act when all the conditions set out in

1 paragraphs (a), (b), (c), (d), (e), (f), and (g) of this
2 subsection (1) are met:

3 (a) while the minor was under the jurisdiction of the
4 court under Article II of this Act, the minor's parent or
5 parents surrendered the minor for adoption to an agency
6 legally authorized to place children for adoption, or the
7 minor's parent or parents consented to the minor's ~~his or~~
8 ~~her~~ adoption, or the minor's parent or parents consented
9 to the minor's ~~his or her~~ adoption by a specified person or
10 persons, or the parent or parents' rights were terminated
11 pursuant to a finding of unfitness pursuant to Section
12 2-29 of this Act and a guardian was appointed with the
13 power to consent to adoption pursuant to Section 2-29 of
14 this Act; and

15 (b) (i) since the signing of the surrender, the
16 signing of the consent, or the unfitness finding, the
17 minor has remained a ward of the Court under Article II of
18 this Act; or

19 (ii) the minor was made a ward of the Court, the minor
20 was placed in the private guardianship of an individual or
21 individuals, and after the appointment of a private
22 guardian and a new petition alleging abuse, neglect, or
23 dependency pursuant to Section 2-3 or 2-4 is filed, and
24 the minor is again found by the court to be abused,
25 neglected or dependent; or a supplemental petition to
26 reinstate wardship is filed pursuant to Section 2-33, and

1 the court reinstates wardship; or

2 (iii) the minor was made a ward of the Court, wardship
3 was terminated after the minor was adopted, after the
4 adoption a new petition alleging abuse, neglect, or
5 dependency pursuant to Section 2-3 or 2-4 is filed, and
6 the minor is again found by the court to be abused,
7 neglected, or dependent, and either (i) the adoptive
8 parent or parents are deceased, (ii) the adoptive parent
9 or parents signed a surrender of parental rights, or (iii)
10 the parental rights of the adoptive parent or parents were
11 terminated;

12 (c) the minor is not currently in a placement likely
13 to achieve permanency;

14 (d) it is in the minor's best interest that parental
15 rights be reinstated;

16 (e) the parent named in the motion wishes parental
17 rights to be reinstated and is currently appropriate to
18 have rights reinstated;

19 (f) more than 3 years have lapsed since the signing of
20 the consent or surrender, or the entry of the order
21 appointing a guardian with the power to consent to
22 adoption;

23 (g) (i) the child is 13 years of age or older or (ii)
24 the child is the younger sibling of such child, 13 years of
25 age or older, for whom reinstatement of parental rights is
26 being sought and the younger sibling independently meets

1 the criteria set forth in paragraphs (a) through (h) of
2 this subsection; and

3 (h) if the court has previously denied a motion to
4 reinstate parental rights filed by the Department, there
5 has been a substantial change in circumstances following
6 the denial of the earlier motion.

7 (2) The motion may be filed only by the Department of
8 Children and Family Services or by the minor. Unless excused
9 by the court for good cause shown, the movant shall give notice
10 of the time and place of the hearing on the motion, in person
11 or by mail, to the parties to the juvenile court proceeding.
12 Notice shall be provided at least 14 days in advance of the
13 hearing date. The motion shall include the allegations
14 required in subsection (1) of this Section.

15 (3) Any party may file a motion to dismiss the motion with
16 prejudice on the basis that the parent has intentionally acted
17 to prevent the child from being adopted, after parental rights
18 were terminated or the parent intentionally acted to disrupt
19 the child's adoption. If the court finds by a preponderance of
20 the evidence that the parent has intentionally acted to
21 prevent the child from being adopted, after parental rights
22 were terminated or that the parent intentionally acted to
23 disrupt the child's adoption, the court shall dismiss the
24 petition with prejudice.

25 (4) The court shall not grant a motion for reinstatement
26 of parental rights unless the court finds that the motion is

1 supported by clear and convincing evidence. In ruling on a
2 motion to reinstate parental rights, the court shall make
3 findings consistent with the requirements in subsection (1) of
4 this Section. The court shall consider the reasons why the
5 child was initially brought to the attention of the court, the
6 history of the child's case as it relates to the parent seeking
7 reinstatement, and the current circumstances of the parent for
8 whom reinstatement of rights is sought. If reinstatement is
9 being considered subsequent to a finding of unfitness pursuant
10 to Section 2-29 of this Act having been entered with respect to
11 the parent whose rights are being restored, the court in
12 determining the minor's best interest shall consider, in
13 addition to the factors set forth in paragraph (4.05) of
14 Section 1-3 of this Act, the specific grounds upon which the
15 unfitness findings were made. Upon the entry of an order
16 granting a motion to reinstate parental rights, parental
17 rights of the parent named in the order shall be reinstated,
18 any previous order appointing a guardian with the power to
19 consent to adoption shall be void and with respect to the
20 parent named in the order, any consent shall be void.

21 (5) If the case is post-disposition, the court, upon the
22 entry of an order granting a motion to reinstate parental
23 rights, shall schedule the matter for a permanency hearing
24 pursuant to Section 2-28 of this Act within 45 days.

25 (6) Custody of the minor shall not be restored to the
26 parent, except by order of court pursuant to subsection (4) of

1 Section 2-28 of this Act.

2 (7) In any case involving a child over the age of 13 who
3 meets the criteria established in this Section for
4 reinstatement of parental rights, the Department of Children
5 and Family Services shall conduct an assessment of the child's
6 circumstances to assist in future planning for the child,
7 including, but not limited to a determination regarding the
8 appropriateness of filing a motion to reinstate parental
9 rights.

10 (8) (Blank).

11 (Source: P.A. 98-477, eff. 8-16-13.)

12 (705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

13 Sec. 3-1. Jurisdictional facts. Proceedings may be
14 instituted under this Article concerning minors ~~boys and girls~~
15 who require authoritative intervention as defined in Section
16 3-3, who are truant minors in need of supervision as defined in
17 Section 3-33.5, or who are minors involved in electronic
18 dissemination of indecent visual depictions in need of
19 supervision as defined in Section 3-40.

20 (Source: P.A. 96-1087, eff. 1-1-11.)

21 (705 ILCS 405/3-3) (from Ch. 37, par. 803-3)

22 Sec. 3-3. Minor requiring authoritative intervention.
23 Those requiring authoritative intervention include any minor
24 under 18 years of age (1) who is (a) absent from home without

1 consent of parent, guardian or custodian, or (b) beyond the
2 control of the minor's ~~his or her~~ parent, guardian or
3 custodian, in circumstances which constitute a substantial or
4 immediate danger to the minor's physical safety; and (2) who,
5 after being taken into limited custody for the period provided
6 for in this Section and offered interim crisis intervention
7 services, where available, refuses to return home after the
8 minor and the minor's ~~his or her~~ parent, guardian or custodian
9 cannot agree to an arrangement for an alternative voluntary
10 residential placement or to the continuation of such
11 placement. Any minor taken into limited custody for the
12 reasons specified in this Section may not be adjudicated a
13 minor requiring authoritative intervention until the following
14 number of days have elapsed from the minor ~~his or her~~ having
15 been taken into limited custody: 21 days for the first
16 instance of being taken into limited custody and 5 days for the
17 second, third, or fourth instances of being taken into limited
18 custody. For the fifth or any subsequent instance of being
19 taken into limited custody for the reasons specified in this
20 Section, the minor may be adjudicated as requiring
21 authoritative intervention without any specified period of
22 time expiring after the minor ~~his or her~~ being taken into
23 limited custody, without the minor's being offered interim
24 crisis intervention services, and without the minor's being
25 afforded an opportunity to agree to an arrangement for an
26 alternative voluntary residential placement. Notwithstanding

1 any other provision of this Section, for the first instance in
2 which a minor is taken into limited custody where one year has
3 elapsed from the last instance of the minor's ~~his~~ having been
4 taken into limited custody, the minor may not be adjudicated a
5 minor requiring authoritative intervention until 21 days have
6 passed since being taken into limited custody.

7 (Source: P.A. 85-601.)

8 (705 ILCS 405/3-4) (from Ch. 37, par. 803-4)

9 Sec. 3-4. Taking into limited custody.

10 (a) A law enforcement officer may, without a warrant, take
11 into limited custody a minor who the law enforcement officer
12 reasonably determines is (i) absent from home without consent
13 of the minor's parent, guardian or custodian, or (ii) beyond
14 the control of the minor's ~~his or her~~ parent, guardian or
15 custodian, in circumstances which constitute a substantial or
16 immediate danger to the minor's physical safety.

17 (b) A law enforcement officer who takes a minor into
18 limited custody shall (i) immediately inform the minor of the
19 reasons for such limited custody, and (ii) make a prompt,
20 reasonable effort to inform the minor's parents, guardian, or
21 custodian that the minor has been taken into limited custody
22 and where the minor is being kept.

23 (c) If the minor consents, the law enforcement officer
24 shall make a reasonable effort to transport, arrange for the
25 transportation of or otherwise release the minor to the

1 parent, guardian or custodian. Upon release of a minor who is
2 believed to need or would benefit from medical, psychological,
3 psychiatric or social services, the law enforcement officer
4 may inform the minor and the person to whom the minor is
5 released of the nature and location of appropriate services
6 and shall, if requested, assist in establishing contact
7 between the family and an agency or association providing such
8 services.

9 (d) If the law enforcement officer is unable by all
10 reasonable efforts to contact a parent, custodian, relative or
11 other responsible person; or if the person contacted lives an
12 unreasonable distance away; or if the minor refuses to be
13 taken to the minor's ~~his or her~~ home or other appropriate
14 residence; or if the officer is otherwise unable despite all
15 reasonable efforts to make arrangements for the safe release
16 of the minor taken into limited custody, the law enforcement
17 officer shall take or make reasonable arrangements for
18 transporting the minor to an agency or association providing
19 crisis intervention services, or, where appropriate, to a
20 mental health or developmental disabilities facility for
21 screening for voluntary or involuntary admission under Section
22 3-500 et seq. of the Illinois Mental Health and Developmental
23 Disabilities Code; provided that where no crisis intervention
24 services exist, the minor may be transported for services to
25 court service departments or probation departments under the
26 court's administration.

1 (e) No minor shall be involuntarily subject to limited
2 custody for more than 6 hours from the time of the minor's
3 initial contact with the law enforcement officer.

4 (f) No minor taken into limited custody shall be placed in
5 a jail, municipal lockup, detention center or secure
6 correctional facility.

7 (g) The taking of a minor into limited custody under this
8 Section is not an arrest nor does it constitute a police
9 record; and the records of law enforcement officers concerning
10 all minors taken into limited custody under this Section shall
11 be maintained separate from the records of arrest and may not
12 be inspected by or disclosed to the public except by order of
13 the court. However, such records may be disclosed to the
14 agency or association providing interim crisis intervention
15 services for the minor.

16 (h) Any law enforcement agency, juvenile officer or other
17 law enforcement officer acting reasonably and in good faith in
18 the care of a minor in limited custody shall be immune from any
19 civil or criminal liability resulting from such custody.

20 (Source: P.A. 87-1154.)

21 (705 ILCS 405/3-5) (from Ch. 37, par. 803-5)

22 Sec. 3-5. Interim crisis intervention services.

23 (a) Any minor who is taken into limited custody, or who
24 independently requests or is referred for assistance, may be
25 provided crisis intervention services by an agency or

1 association, as defined in this Act, provided the association
2 or agency staff (i) immediately investigate the circumstances
3 of the minor and the facts surrounding the minor being taken
4 into custody and promptly explain these facts and
5 circumstances to the minor, and (ii) make a reasonable effort
6 to inform the minor's parent, guardian or custodian of the
7 fact that the minor has been taken into limited custody and
8 where the minor is being kept, and (iii) if the minor consents,
9 make a reasonable effort to transport, arrange for the
10 transportation of, or otherwise release the minor to the
11 parent, guardian or custodian. Upon release of the child who
12 is believed to need or benefit from medical, psychological,
13 psychiatric or social services, the association or agency may
14 inform the minor and the person to whom the minor is released
15 of the nature and location of appropriate services and shall,
16 if requested, assist in establishing contact between the
17 family and other associations or agencies providing such
18 services. If the agency or association is unable by all
19 reasonable efforts to contact a parent, guardian or custodian,
20 or if the person contacted lives an unreasonable distance
21 away, or if the minor refuses to be taken to the minor's ~~his or~~
22 ~~her~~ home or other appropriate residence, or if the agency or
23 association is otherwise unable despite all reasonable efforts
24 to make arrangements for the safe return of the minor, the
25 minor may be taken to a temporary living arrangement which is
26 in compliance with the Child Care Act of 1969 or which is with

1 persons agreed to by the parents and the agency or
2 association.

3 (b) An agency or association is authorized to permit a
4 minor to be sheltered in a temporary living arrangement
5 provided the agency seeks to effect the minor's return home or
6 alternative living arrangements agreeable to the minor and the
7 parent, guardian or custodian as soon as practicable. No minor
8 shall be sheltered in a temporary living arrangement for more
9 than 48 hours, excluding Saturdays, Sundays, and
10 court-designated holidays, when the agency has reported the
11 minor as neglected or abused because the parent, guardian, or
12 custodian refuses to permit the child to return home, provided
13 that in all other instances the minor may be sheltered when the
14 agency obtains the consent of the parent, guardian, or
15 custodian or documents its unsuccessful efforts to obtain the
16 consent or authority of the parent, guardian, or custodian,
17 including recording the date and the staff involved in all
18 telephone calls, telegrams, letters, and personal contacts to
19 obtain the consent or authority, in which instances the minor
20 may be so sheltered for not more than 21 days. If the parent,
21 guardian or custodian refuses to permit the minor to return
22 home, and no other living arrangement agreeable to the parent,
23 guardian, or custodian can be made, and the parent, guardian,
24 or custodian has not made any other appropriate living
25 arrangement for the child, the agency may deem the minor to be
26 neglected and report the neglect to the Department of Children

1 and Family Services as provided in the Abused and Neglected
2 Child Reporting Act. The Child Protective Service Unit of the
3 Department of Children and Family Services shall begin an
4 investigation of the report within 24 hours after receiving
5 the report and shall determine whether to file a petition
6 alleging that the minor is neglected or abused as described in
7 Section 2-3 of this Act. Subject to appropriation, the
8 Department may take the minor into temporary protective
9 custody at any time after receiving the report, provided that
10 the Department shall take temporary protective custody within
11 48 hours of receiving the report if its investigation is not
12 completed. If the Department of Children and Family Services
13 determines that the minor is not a neglected minor because the
14 minor is an immediate physical danger to the minor ~~himself,~~
15 ~~herself,~~ or others living in the home, then the Department
16 shall take immediate steps to either secure the minor's
17 immediate admission to a mental health facility, arrange for
18 law enforcement authorities to take temporary custody of the
19 minor as a delinquent minor, or take other appropriate action
20 to assume protective custody in order to safeguard the minor
21 or others living in the home from immediate physical danger.

22 (c) Any agency or association or employee thereof acting
23 reasonably and in good faith in the care of a minor being
24 provided interim crisis intervention services and shelter care
25 shall be immune from any civil or criminal liability resulting
26 from such care.

1 (Source: P.A. 95-443, eff. 1-1-08.)

2 (705 ILCS 405/3-6) (from Ch. 37, par. 803-6)

3 Sec. 3-6. Alternative voluntary residential placement.

4 (a) A minor and the minor's ~~his or her~~ parent, guardian or
5 custodian may agree to an arrangement for alternative
6 voluntary residential placement, in compliance with the "Child
7 Care Act of 1969", without court order. Such placement may
8 continue as long as there is agreement.

9 (b) If the minor and the minor's ~~his or her~~ parent,
10 guardian or custodian cannot agree to an arrangement for
11 alternative voluntary residential placement in the first
12 instance, or cannot agree to the continuation of such
13 placement, and the minor refuses to return home, the minor or
14 the minor's ~~his or her~~ parent, guardian or custodian, or a
15 person properly acting at the minor's request, may file with
16 the court a petition alleging that the minor requires
17 authoritative intervention as described in Section 3-3.

18 (Source: P.A. 85-601.)

19 (705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

20 Sec. 3-7. Taking into temporary custody.

21 (1) A law enforcement officer may, without a warrant, take
22 into temporary custody a minor (a) whom the officer with
23 reasonable cause believes to be a minor requiring
24 authoritative intervention; (b) who has been adjudged a ward

1 of the court and has escaped from any commitment ordered by the
2 court under this Act; (c) who is found in any street or public
3 place suffering from any sickness or injury which requires
4 care, medical treatment or hospitalization; or (d) whom the
5 officer with reasonable cause believes to be a minor in need of
6 supervision under Section 3-40.

7 (2) Whenever a petition has been filed under Section 3-15
8 and the court finds that the conduct and behavior of the minor
9 may endanger the health, person, welfare, or property of the
10 minor ~~himself~~ or others or that the circumstances of the
11 minor's ~~his~~ home environment may endanger the minor's ~~his~~
12 health, person, welfare or property, a warrant may be issued
13 immediately to take the minor into custody.

14 (3) The taking of a minor into temporary custody under
15 this Section is not an arrest nor does it constitute a police
16 record.

17 (4) No minor taken into temporary custody shall be placed
18 in a jail, municipal lockup, detention center, or secure
19 correctional facility.

20 (Source: P.A. 96-1087, eff. 1-1-11; 97-333, eff. 8-12-11.)

21 (705 ILCS 405/3-8) (from Ch. 37, par. 803-8)

22 Sec. 3-8. Duty of officer; admissions by minor.

23 (1) A law enforcement officer who takes a minor into
24 custody with a warrant shall immediately make a reasonable
25 attempt to notify the parent or other person legally

1 responsible for the minor's care or the person with whom the
2 minor resides that the minor has been taken into custody and
3 where the minor ~~he or she~~ is being held; and the officer shall
4 without unnecessary delay take the minor to the nearest
5 juvenile police officer designated for such purposes in the
6 county of venue or shall surrender the minor to a juvenile
7 police officer in the city or village where the offense is
8 alleged to have been committed.

9 The minor shall be delivered without unnecessary delay to
10 the court or to the place designated by rule or order of court
11 for the reception of minors. The court may not designate a
12 place of detention for the reception of minors, unless the
13 minor is alleged to be a person described in subsection (3) of
14 Section 5-105.

15 (2) A law enforcement officer who takes a minor into
16 custody without a warrant under Section 3-7 shall, if the
17 minor is not released, immediately make a reasonable attempt
18 to notify the parent or other person legally responsible for
19 the minor's care or the person with whom the minor resides that
20 the minor has been taken into custody and where the minor is
21 being held; and the law enforcement officer shall without
22 unnecessary delay take the minor to the nearest juvenile
23 police officer designated for such purposes in the county of
24 venue or shall surrender the minor to a juvenile police
25 officer in the city or village where the offense is alleged to
26 have been committed, or upon determining the true identity of

1 the minor, may release the minor to the parent or other person
2 legally responsible for the minor's care or the person with
3 whom the minor resides, if the minor is taken into custody for
4 an offense which would be a misdemeanor if committed by an
5 adult. If a minor is so released, the law enforcement officer
6 shall promptly notify a juvenile police officer of the
7 circumstances of the custody and release.

8 (3) The juvenile police officer may take one of the
9 following actions:

10 (a) station adjustment with release of the minor;

11 (b) station adjustment with release of the minor to a
12 parent;

13 (c) station adjustment, release of the minor to a
14 parent, and referral of the case to community services;

15 (d) station adjustment, release of the minor to a
16 parent, and referral of the case to community services
17 with informal monitoring by a juvenile police officer;

18 (e) station adjustment and release of the minor to a
19 third person pursuant to agreement of the minor and
20 parents;

21 (f) station adjustment, release of the minor to a
22 third person pursuant to agreement of the minor and
23 parents, and referral of the case to community services;

24 (g) station adjustment, release of the minor to a
25 third person pursuant to agreement of the minor and
26 parent, and referral to community services with informal

1 monitoring by a juvenile police officer;

2 (h) release of the minor to the minor's ~~his or her~~
3 parents and referral of the case to a county juvenile
4 probation officer or such other public officer designated
5 by the court;

6 (i) release of the minor to school officials of the
7 minor's ~~his~~ school during regular school hours;

8 (j) if the juvenile police officer reasonably believes
9 that there is an urgent and immediate necessity to keep
10 the minor in custody, the juvenile police officer shall
11 deliver the minor without unnecessary delay to the court
12 or to the place designated by rule or order of court for
13 the reception of minors; and

14 (k) any other appropriate action with consent of the
15 minor and a parent.

16 (Source: P.A. 90-590, eff. 1-1-99.)

17 (705 ILCS 405/3-9) (from Ch. 37, par. 803-9)

18 Sec. 3-9. Temporary custody; shelter care. Any minor taken
19 into temporary custody pursuant to this Act who requires care
20 away from the minor's ~~his or her~~ home but who does not require
21 physical restriction shall be given temporary care in a foster
22 family home or other shelter facility designated by the court.
23 In the case of a minor alleged to be a minor requiring
24 authoritative intervention, the court may order, with the
25 approval of the Department of Children and Family Services,

1 that custody of the minor be with the Department of Children
2 and Family Services for designation of temporary care as the
3 Department determines. No such child shall be ordered to the
4 Department without the approval of the Department.

5 (Source: P.A. 85-601.)

6 (705 ILCS 405/3-10) (from Ch. 37, par. 803-10)

7 Sec. 3-10. Investigation; release. When a minor is
8 delivered to the court, or to the place designated by the court
9 under Section 3-9 of this Act, a probation officer or such
10 other public officer designated by the court shall immediately
11 investigate the circumstances of the minor and the facts
12 surrounding the minor ~~his or her~~ being taken into custody. The
13 minor shall be immediately released to the custody of the
14 minor's ~~his or her~~ parent, guardian, legal custodian or
15 responsible relative, unless the probation officer or such
16 other public officer designated by the court finds that
17 further shelter care is necessary as provided in Section 3-7.
18 This Section shall in no way be construed to limit Section
19 5-905.

20 (Source: P.A. 90-590, eff. 1-1-99.)

21 (705 ILCS 405/3-11) (from Ch. 37, par. 803-11)

22 Sec. 3-11. Setting of shelter care hearing; notice;
23 release.

24 (1) Unless sooner released, a minor requiring

1 authoritative intervention, taken into temporary custody, must
2 be brought before a judicial officer within 48 hours,
3 exclusive of Saturdays, Sundays and court-designated holidays,
4 for a shelter care hearing to determine whether the minor ~~he~~
5 shall be further held in custody.

6 (2) If the probation officer or such other public officer
7 designated by the court determines that the minor should be
8 retained in custody, the probation officer or such other
9 public officer designated by the court ~~he~~ shall cause a
10 petition to be filed as provided in Section 3-15 of this Act,
11 and the clerk of the court shall set the matter for hearing on
12 the shelter care hearing calendar. When a parent, guardian,
13 custodian or responsible relative is present and so requests,
14 the shelter care hearing shall be held immediately if the
15 court is in session, otherwise at the earliest feasible time.
16 The petitioner through counsel or such other public officer
17 designated by the court shall insure notification to the
18 minor's parent, guardian, custodian or responsible relative of
19 the time and place of the hearing by the best practicable
20 notice, allowing for oral notice in place of written notice
21 only if provision of written notice is unreasonable under the
22 circumstances.

23 (3) The minor must be released from custody at the
24 expiration of the 48 hour period, if not brought before a
25 judicial officer within that period.

26 (Source: P.A. 87-759.)

1 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

2 Sec. 3-12. Shelter care hearing. At the appearance of the
3 minor before the court at the shelter care hearing, all
4 witnesses present shall be examined before the court in
5 relation to any matter connected with the allegations made in
6 the petition.

7 (1) If the court finds that there is not probable cause to
8 believe that the minor is a person requiring authoritative
9 intervention, it shall release the minor and dismiss the
10 petition.

11 (2) If the court finds that there is probable cause to
12 believe that the minor is a person requiring authoritative
13 intervention, the minor, the minor's ~~his or her~~ parent,
14 guardian, custodian and other persons able to give relevant
15 testimony shall be examined before the court. After such
16 testimony, the court may enter an order that the minor shall be
17 released upon the request of a parent, guardian or custodian
18 if the parent, guardian or custodian appears to take custody.
19 "Custodian" includes the Department of Children and Family
20 Services, if it has been given custody of the child, or any
21 other agency of the State which has been given custody or
22 wardship of the child. The Court shall require documentation
23 by representatives of the Department of Children and Family
24 Services or the probation department as to the reasonable
25 efforts that were made to prevent or eliminate the necessity

1 of removal of the minor from the minor's ~~his or her~~ home, and
2 shall consider the testimony of any person as to those
3 reasonable efforts. If the court finds that it is a matter of
4 immediate and urgent necessity for the protection of the minor
5 or of the person or property of another that the minor be
6 placed in a shelter care facility, or that the minor ~~he or she~~
7 is likely to flee the jurisdiction of the court, and further
8 finds that reasonable efforts have been made or good cause has
9 been shown why reasonable efforts cannot prevent or eliminate
10 the necessity of removal of the minor from the minor's ~~his or~~
11 ~~her~~ home, the court may prescribe shelter care and order that
12 the minor be kept in a suitable place designated by the court
13 or in a shelter care facility designated by the Department of
14 Children and Family Services or a licensed child welfare
15 agency; otherwise it shall release the minor from custody. If
16 the court prescribes shelter care, then in placing the minor,
17 the Department or other agency shall, to the extent compatible
18 with the court's order, comply with Section 7 of the Children
19 and Family Services Act. If the minor is ordered placed in a
20 shelter care facility of the Department of Children and Family
21 Services or a licensed child welfare agency, the court shall,
22 upon request of the Department or other agency, appoint the
23 Department of Children and Family Services Guardianship
24 Administrator or other appropriate agency executive temporary
25 custodian of the minor and the court may enter such other
26 orders related to the temporary custody as it deems fit and

1 proper, including the provision of services to the minor or
2 the minor's ~~his~~ family to ameliorate the causes contributing
3 to the finding of probable cause or to the finding of the
4 existence of immediate and urgent necessity. Acceptance of
5 services shall not be considered an admission of any
6 allegation in a petition made pursuant to this Act, nor may a
7 referral of services be considered as evidence in any
8 proceeding pursuant to this Act, except where the issue is
9 whether the Department has made reasonable efforts to reunite
10 the family. In making its findings that reasonable efforts
11 have been made or that good cause has been shown why reasonable
12 efforts cannot prevent or eliminate the necessity of removal
13 of the minor from the minor's ~~his or her~~ home, the court shall
14 state in writing its findings concerning the nature of the
15 services that were offered or the efforts that were made to
16 prevent removal of the child and the apparent reasons that
17 such services or efforts could not prevent the need for
18 removal. The parents, guardian, custodian, temporary custodian
19 and minor shall each be furnished a copy of such written
20 findings. The temporary custodian shall maintain a copy of the
21 court order and written findings in the case record for the
22 child.

23 The order together with the court's findings of fact and
24 support thereof shall be entered of record in the court.

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

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 such placement is no longer necessary for the
4 protection of the minor.

5 (3) If prior to the shelter care hearing for a minor
6 described in Sections 2-3, 2-4, 3-3, and 4-3 the petitioner is
7 unable to serve notice on the party respondent, the shelter
8 care hearing may proceed ex parte. A shelter care order from an
9 ex parte hearing shall be endorsed with the date and hour of
10 issuance and shall be filed with the clerk's office and
11 entered of record. The order shall expire after 10 days from
12 the time it is issued unless before its expiration it is
13 renewed, at a hearing upon appearance of the party respondent,
14 or upon an affidavit of the moving party as to all diligent
15 efforts to notify the party respondent by notice as herein
16 prescribed. The notice prescribed shall be in writing and
17 shall be personally delivered to the minor or the minor's
18 attorney and to the last known address of the other person or
19 persons entitled to notice. The notice shall also state the
20 nature of the allegations, the nature of the order sought by
21 the State, including whether temporary custody is sought, and
22 the consequences of failure to appear; and shall explain the
23 right of the parties and the procedures to vacate or modify a
24 shelter care order as provided in this Section. The notice for
25 a shelter care hearing shall be substantially as follows:

26 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

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

6
 7 and (2) that there is "immediate and urgent necessity" to
 8 remove the child or children from the responsible relative.

9 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 10 PLACEMENT of the child or children in foster care until a trial
 11 can be held. A trial may not be held for up to 90 days.

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

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

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

18 3. To present evidence concerning:

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

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

26 c. The best interests of the child.

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

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

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

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

- 14 1. That you were not present at the shelter care
- 15 hearing.
- 16 2. That you did not get adequate notice (explaining
- 17 how the notice was inadequate).
- 18 3. Your signature.
- 19 4. Signature must be notarized.

20 The rehearing should be scheduled within one day of your
21 filing this affidavit.

22 At the rehearing, your rights are the same as at the
23 initial shelter care hearing. The enclosed notice explains
24 those rights.

25 At the Shelter Care Hearing, children have the following
26 rights:

- 1 1. To have a guardian ad litem appointed.
- 2 2. To be declared competent as a witness and to
- 3 present testimony concerning:
 - 4 a. Whether they are abused, neglected or
 - 5 dependent.
 - 6 b. Whether there is "immediate and urgent
 - 7 necessity" to be removed from home.
 - 8 c. Their best interests.
- 9 3. To cross examine witnesses for other parties.
- 10 4. To obtain an explanation of any proceedings and
- 11 orders of the court.

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

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

26 (6) No minor under 16 years of age may be confined in a

1 jail or place ordinarily used for the confinement of prisoners
2 in a police station. Minors under 18 years of age must be kept
3 separate from confined adults and may not at any time be kept
4 in the same cell, room, or yard with adults confined pursuant
5 to the criminal law.

6 (7) If the minor is not brought before a judicial officer
7 within the time period specified in Section 3-11, the minor
8 must immediately be released from custody.

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

21 (9) Notwithstanding any other provision of this Section,
22 any interested party, including the State, the temporary
23 custodian, an agency providing services to the minor or family
24 under a service plan pursuant to Section 8.2 of the Abused and
25 Neglected Child Reporting Act, foster parent, or any of their
26 representatives, on notice to all parties entitled to notice,

1 may file a motion to modify or vacate a temporary custody order
2 on any of the following grounds:

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

5 (b) There is a material change in the circumstances of
6 the natural family from which the minor was removed; or

7 (c) A person, including a parent, relative or legal
8 guardian, is capable of assuming temporary custody of the
9 minor; or

10 (d) Services provided by the Department of Children
11 and Family Services or a child welfare agency or other
12 service provider have been successful in eliminating the
13 need for temporary custody.

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

20 (10) The changes made to this Section by Public Act 98-61
21 apply to a minor who has been arrested or taken into custody on
22 or after January 1, 2014 (the effective date of Public Act
23 98-61).

24 (Source: P.A. 99-642, eff. 7-28-16; 100-159, eff. 8-18-17.)

25 (705 ILCS 405/3-14) (from Ch. 37, par. 803-14)

1 Sec. 3-14. Preliminary conferences.

2 (1) The court may authorize the probation officer to
3 confer in a preliminary conference with any person seeking to
4 file a petition under Section 3-15, the prospective
5 respondents and other interested persons concerning the
6 advisability of filing the petition, with a view to adjusting
7 suitable cases without the filing of a petition.

8 The probation officer should schedule a conference
9 promptly except where the State's Attorney insists on court
10 action or where the minor has indicated that the minor ~~he or~~
11 ~~she~~ will demand a judicial hearing and will not comply with an
12 informal adjustment.

13 (2) In any case of a minor who is in temporary custody, the
14 holding of preliminary conferences does not operate to prolong
15 temporary custody beyond the period permitted by Section 3-11.

16 (3) This Section does not authorize any probation officer
17 to compel any person to appear at any conference, produce any
18 papers, or visit any place.

19 (4) No statement made during a preliminary conference may
20 be admitted into evidence at an adjudicatory hearing or at any
21 proceeding against the minor under the criminal laws of this
22 State prior to the minor's ~~his or her~~ conviction thereunder.

23 (5) The probation officer shall promptly formulate a
24 written, non-judicial adjustment plan following the initial
25 conference.

26 (6) Non-judicial adjustment plans include but are not

1 limited to the following:

2 (a) up to 6 months informal supervision within family;

3 (b) up to 6 months informal supervision with a
4 probation officer involved;

5 (c) up to 6 months informal supervision with release
6 to a person other than parent;

7 (d) referral to special educational, counseling or
8 other rehabilitative social or educational programs;

9 (e) referral to residential treatment programs; and

10 (f) any other appropriate action with consent of the
11 minor and a parent.

12 (7) The factors to be considered by the probation officer
13 in formulating a written non-judicial adjustment plan shall be
14 the same as those limited in subsection (4) of Section 5-405.

15 (Source: P.A. 90-590, eff. 1-1-99.)

16 (705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

17 Sec. 3-15. Petition; supplemental petitions.

18 (1) Any adult person, any agency or association by its
19 representative may file, or the court on its own motion may
20 direct the filing through the State's Attorney of a petition
21 in respect to a minor under this Act. The petition and all
22 subsequent court documents shall be entitled "In the interest
23 of, a minor".

24 (2) The petition shall be verified but the statements may
25 be made upon information and belief. It shall allege that the

1 minor requires authoritative intervention or supervision and
2 set forth (a) facts sufficient to bring the minor under
3 Section 3-3, 3-33.5, or 3-40; (b) the name, age and residence
4 of the minor; (c) the names and residences of the minor's ~~his~~
5 parents; (d) the name and residence of the minor's ~~his~~ legal
6 guardian or the person or persons having custody or control of
7 the minor, or of the nearest known relative if no parent or
8 guardian can be found; and (e) if the minor upon whose behalf
9 the petition is brought is sheltered in custody, the date on
10 which shelter care was ordered by the court or the date set for
11 a shelter care hearing. If any of the facts herein required are
12 not known by the petitioner, the petition shall so state.

13 (3) The petition must allege that it is in the best
14 interests of the minor and of the public that the minor ~~he~~ be
15 adjudged a ward of the court and may pray generally for relief
16 available under this Act. The petition need not specify any
17 proposed disposition following adjudication of wardship.

18 (4) If appointment of a guardian of the person with power
19 to consent to adoption of the minor under Section 3-30 is
20 sought, the petition shall so state.

21 (5) At any time before dismissal of the petition or before
22 final closing and discharge under Section 3-32, one or more
23 supplemental petitions may be filed in respect to the same
24 minor.

25 (Source: P.A. 96-1087, eff. 1-1-11.)

1 (705 ILCS 405/3-16) (from Ch. 37, par. 803-16)

2 Sec. 3-16. Date for adjudicatory hearing.

3 (a) (Blank). ~~Until January 1, 1988:~~

4 ~~(1) When a petition has been filed alleging that the minor~~
5 ~~requires authoritative intervention, an adjudicatory hearing~~
6 ~~shall be held within 120 days. The 120 day period in which an~~
7 ~~adjudicatory hearing shall be held is tolled by: (A) delay~~
8 ~~occasioned by the minor; (B) a continuance allowed pursuant to~~
9 ~~Section 114 4 of the Code of Criminal Procedure of 1963 after a~~
10 ~~court's determination of the minor's physical incapacity for~~
11 ~~trial; or (C) an interlocutory appeal. Any such delay shall~~
12 ~~temporarily suspend for the time of the delay the period~~
13 ~~within which the adjudicatory hearing must be held. On the day~~
14 ~~of expiration of the delay, the said period shall continue at~~
15 ~~the point at which it was suspended. Where no such~~
16 ~~adjudicatory hearing is held within 120 days, the court may,~~
17 ~~on written motion of a minor's guardian ad litem, dismiss the~~
18 ~~petition with respect to such minor. Such dismissal shall be~~
19 ~~without prejudice.~~

20 ~~Where the court determines that the State exercised,~~
21 ~~without success, due diligence to obtain evidence material to~~
22 ~~the case, and that there are reasonable grounds to believe~~
23 ~~that such evidence may be obtained at a later date, the court~~
24 ~~may, upon written motion by the State, continue the matter for~~
25 ~~not more than 30 additional days.~~

26 ~~(2) In the case of a minor ordered held in shelter care,~~

1 ~~the hearing on the petition must be held within 10 judicial~~
2 ~~days from the date of the order of the court 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. Delay occasioned by the respondent~~
8 ~~shall temporarily suspend, for the time of the delay, the~~
9 ~~period within which a respondent must be tried pursuant to~~
10 ~~this Section.~~

11 ~~Upon failure to comply with the time limits specified in~~
12 ~~this subsection (a) (2), the minor shall be immediately~~
13 ~~released. The time limits specified in subsection (a) (1) shall~~
14 ~~still apply.~~

15 ~~(3) Nothing in this Section prevents the minor's exercise~~
16 ~~of his or her right to waive any time limits set forth in this~~
17 ~~Section.~~

18 (b) ~~Beginning January 1, 1988:~~ (1) (A) When a petition has
19 been filed alleging that the minor requires authoritative
20 intervention, an adjudicatory hearing shall be held within 120
21 days of a demand made by any party, except that when the court
22 determines that the State, without success, has exercised due
23 diligence to obtain evidence material to the case and that
24 there are reasonable grounds to believe that such evidence may
25 be obtained at a later date, the court may, upon motion by the
26 State, continue the adjudicatory hearing for not more than 30

1 additional days.

2 The 120 day period in which an adjudicatory hearing shall
3 be held is tolled by: (i) delay occasioned by the minor; or
4 (ii) a continuance allowed pursuant to Section 114-4 of the
5 Code of Criminal Procedure of 1963 after a court's
6 determination of the minor's physical incapacity for trial; or
7 (iii) an interlocutory appeal. Any such delay shall
8 temporarily suspend, for the time of the delay, the period
9 within which the adjudicatory hearing must be held. On the day
10 of expiration of the delay, the said period shall continue at
11 the point at which it was suspended.

12 (B) When no such adjudicatory hearing is held within the
13 time required by paragraph (b)(1)(A) of this Section, the
14 court shall, upon motion by any party, dismiss the petition
15 with prejudice.

16 (2) Without affecting the applicability of the tolling and
17 multiple prosecution provisions of paragraph (b)(1) of this
18 Section, when a petition has been filed alleging that the
19 minor requires authoritative intervention and the minor is in
20 shelter care, the adjudicatory hearing shall be held within 10
21 judicial days after the date of the order directing shelter
22 care, or the earliest possible date in compliance with the
23 notice provisions of Sections 3-17 and 3-18 as to the
24 custodial 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.

1 (3) Any failure to comply with the time limits of
2 paragraph (b)(2) of this Section shall require the immediate
3 release of the minor from shelter care, and the time limits of
4 paragraph (b)(1) shall apply.

5 (4) Nothing in this Section prevents the minor or the
6 minor's parents or guardian from exercising their respective
7 rights to waive the time limits set forth in this Section.

8 (Source: P.A. 85-601.)

9 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

10 Sec. 3-17. Summons. (1) When a petition is filed, the
11 clerk of the court shall issue a summons with a copy of the
12 petition attached. The summons shall be directed to the
13 minor's legal guardian or custodian and to each person named
14 as a respondent in the petition, except that summons need not
15 be directed to a minor respondent under 8 years of age for whom
16 the court appoints a guardian ad litem if the guardian ad litem
17 appears on behalf of the minor in any proceeding under this
18 Act.

19 (2) The summons must contain a statement that the minor or
20 any of the respondents is entitled to have an attorney present
21 at the hearing on the petition, and that the clerk of the court
22 should be notified promptly if the minor or any other
23 respondent desires to be represented by an attorney but is
24 financially unable to employ counsel.

25 (3) The summons shall be issued under the seal of the

1 court, attested to and signed with the name of the clerk of the
2 court, dated on the day it is issued, and shall require each
3 respondent to appear and answer the petition on the date set
4 for the adjudicatory hearing.

5 (4) The summons may be served by any county sheriff,
6 coroner or probation officer, even though the officer is the
7 petitioner. The return of the summons with endorsement of
8 service by the officer is sufficient proof thereof.

9 (5) Service of a summons and petition shall be made by: (a)
10 leaving a copy thereof with the person summoned at least 3 days
11 before the time stated therein for appearance; (b) leaving a
12 copy at the summoned person's ~~his~~ usual place of abode with
13 some person of the family, of the age of 10 years or upwards,
14 and informing that person of the contents thereof, provided
15 the officer or other person making service shall also send a
16 copy of the summons in a sealed envelope with postage fully
17 prepaid, addressed to the person summoned at the person's ~~his~~
18 usual place of abode, at least 3 days before the time stated
19 therein for appearance; or (c) leaving a copy thereof with the
20 guardian or custodian of a minor, at least 3 days before the
21 time stated therein for appearance. If the guardian or
22 custodian is an agency of the State of Illinois, proper
23 service may be made by leaving a copy of the summons and
24 petition with any administrative employee of such agency
25 designated by such agency to accept service of summons and
26 petitions. The certificate of the officer or affidavit of the

1 person that the officer or person ~~he~~ has sent the copy pursuant
2 to this Section is sufficient proof of service.

3 (6) When a parent or other person, who has signed a written
4 promise to appear and bring the minor to court or who has
5 waived or acknowledged service, fails to appear with the minor
6 on the date set by the court, a bench warrant may be issued for
7 the parent or other person, the minor, or both.

8 (7) The appearance of the minor's legal guardian or
9 custodian, or a person named as a respondent in a petition, in
10 any proceeding under this Act shall constitute a waiver of
11 service of summons and submission to the jurisdiction of the
12 court. A copy of the summons and petition shall be provided to
13 the person at the time of the person's ~~his~~ appearance.

14 (Source: P.A. 86-441.)

15 (705 ILCS 405/3-18) (from Ch. 37, par. 803-18)

16 Sec. 3-18. Notice by certified mail or publication.

17 (1) If service on individuals as provided in Section 3-17
18 is not made on any respondent within a reasonable time or if it
19 appears that any respondent resides outside the State, service
20 may be made by certified mail. In such case the clerk shall
21 mail the summons and a copy of the petition to that respondent
22 by certified mail marked for delivery to addressee only. The
23 court shall not proceed with the adjudicatory hearing until 5
24 days after such mailing. The regular return receipt for
25 certified mail is sufficient proof of service.

1 (2) If service upon individuals as provided in Section
2 3-17 is not made on any respondents within a reasonable time or
3 if any person is made a respondent under the designation of
4 "All whom it may Concern", or if service cannot be made because
5 the whereabouts of a respondent are unknown, service may be
6 made by publication. The clerk of the court as soon as possible
7 shall cause publication to be made once in a newspaper of
8 general circulation in the county where the action is pending.
9 Notice by publication is not required in any case when the
10 person alleged to have legal custody of the minor has been
11 served with summons personally or by certified mail, but the
12 court may not enter any order or judgment against any person
13 who cannot be served with process other than by publication
14 unless notice by publication is given or unless that person
15 appears. When a minor has been sheltered under Section 3-12 of
16 this Act and summons has not been served personally or by
17 certified mail within 20 days from the date of the order of the
18 court directing such shelter care, the clerk of the court
19 shall cause publication. Notice by publication shall be
20 substantially as follows:

21 "A, B, C, D, (here giving the names of the named
22 respondents, if any) and to All Whom It May Concern (if there
23 is any respondent under that designation):

24 Take notice that on (insert date) a petition was filed
25 under the Juvenile Court Act of 1987 by in the circuit
26 court of county entitled 'In the interest of, a

1 minor', and that in courtroom at on (insert date) at
 2 the hour of, or as soon thereafter as this cause may be
 3 heard, an adjudicatory hearing will be held upon the petition
 4 to have the child declared to be a ward of the court under that
 5 Act. The court has authority in this proceeding to take from
 6 you the custody and guardianship of the minor, (and if the
 7 petition prays for the appointment of a guardian with power to
 8 consent to adoption) and to appoint a guardian with power to
 9 consent to adoption of the minor.

10 Now, unless you appear at the hearing and show cause
 11 against the petition, the allegations of the petition may
 12 stand admitted as against you and each of you, and an order or
 13 judgment entered.

14
 15 Clerk

16 Dated (insert the date of publication)"

17 (3) The clerk shall also at the time of the publication of
 18 the notice send a copy thereof by mail to each of the
 19 respondents on account of whom publication is made at the his
 20 ~~or her~~ last known address of each respondent. The certificate
 21 of the clerk that the clerk ~~he or she~~ has mailed the notice is
 22 evidence thereof. No other publication notice is required.
 23 Every respondent notified by publication under this Section
 24 must appear and answer in open court at the hearing. The court
 25 may not proceed with the adjudicatory hearing until 10 days
 26 after service by publication on any custodial parent, guardian

1 or legal custodian in the case of a minor requiring
2 authoritative intervention.

3 (4) If it becomes necessary to change the date set for the
4 hearing in order to comply with Section 3-17 or with this
5 Section, notice of the resetting of the date must be given, by
6 certified mail or other reasonable means, to each respondent
7 who has been served with summons personally or by certified
8 mail.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

11 Sec. 3-19. Guardian ad litem.

12 (1) Immediately upon the filing of a petition alleging
13 that the minor requires authoritative intervention, the court
14 may appoint a guardian ad litem for the minor if

15 (a) such petition alleges that the minor is the victim
16 of sexual abuse or misconduct; or

17 (b) such petition alleges that charges alleging the
18 commission of any of the sex offenses defined in Article
19 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
20 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, have
22 been filed against a defendant in any court and that such
23 minor is the alleged victim of the acts of the defendant in
24 the commission of such offense.

25 (2) Unless the guardian ad litem appointed pursuant to

1 paragraph (1) is an attorney at law, the guardian ad litem ~~he~~
2 shall be represented in the performance of the guardian ad
3 litem's ~~his~~ duties by counsel.

4 (3) Before proceeding with the hearing, the court shall
5 appoint a guardian ad litem for the minor if

6 (a) no parent, guardian, custodian or relative of the
7 minor appears at the first or any subsequent hearing of
8 the case;

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

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

14 (4) The court may appoint a guardian ad litem for the minor
15 whenever it finds that there may be a conflict of interest
16 between the minor and the minor's ~~his~~ parents or other
17 custodian or that it is otherwise in the minor's interest to do
18 so.

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

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

25 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

1 Sec. 3-21. Continuance under supervision.

2 (1) The court may enter an order of continuance under
3 supervision (a) upon an admission or stipulation by the
4 appropriate respondent or minor respondent of the facts
5 supporting the petition and before proceeding to findings and
6 adjudication, or after hearing the evidence at the
7 adjudicatory hearing but before noting in the minutes of
8 proceedings a finding of whether or not the minor is a person
9 requiring authoritative intervention; and (b) in the absence
10 of objection made in open court by the minor, the minor's ~~his~~
11 parent, guardian, custodian, responsible relative, defense
12 attorney or the State's Attorney.

13 (2) If the minor, the minor's ~~his~~ parent, guardian,
14 custodian, responsible relative, defense attorney or State's
15 Attorney, objects in open court to any such continuance and
16 insists upon proceeding to findings and adjudication, the
17 court shall so proceed.

18 (3) Nothing in this Section limits the power of the court
19 to order a continuance of the hearing for the production of
20 additional evidence or for any other proper reason.

21 (4) When a hearing where a minor is alleged to be a minor
22 requiring authoritative intervention is continued pursuant to
23 this Section, the court may permit the minor to remain in the
24 minor's ~~his~~ home subject to such conditions concerning the
25 minor's ~~his~~ conduct and supervision as the court may require
26 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 (6) The court must impose upon a minor under an order of
19 continuance under supervision or an order of disposition under
20 this Article III, as a condition of the order, a fee of \$25 for
21 each month or partial month of supervision with a probation
22 officer. If the court determines the inability of the minor,
23 or the parent, guardian, or legal custodian of the minor to pay
24 the fee, the court may impose a lesser fee. The court may not
25 impose the fee on a minor who is placed in the guardianship or
26 custody of the Department of Children and Family Services

1 under this Act. The fee may be imposed only upon a minor who is
2 actively supervised by the probation and court services
3 department. The fee must be collected by the clerk of the
4 circuit court. The clerk of the circuit court must pay all
5 monies collected from this fee to the county treasurer for
6 deposit into the probation and court services fund under
7 Section 15.1 of the Probation and Probation Officers Act.

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

9 (705 ILCS 405/3-22) (from Ch. 37, par. 803-22)

10 Sec. 3-22. Findings and adjudication.

11 (1) After hearing the evidence the court shall make and
12 note in the minutes of the proceeding a finding of whether or
13 not the person is a minor requiring authoritative
14 intervention. If it finds that the minor is not such a person,
15 the court shall order the petition dismissed and the minor
16 discharged from any restriction previously ordered in such
17 proceeding.

18 (2) If the court finds that the person is a minor requiring
19 authoritative intervention, the court shall note in its
20 findings that the minor ~~he or she~~ does require authoritative
21 intervention. The court shall then set a time for a
22 dispositional hearing to be conducted under Section 3-23 at
23 which hearing the court shall determine whether it is in the
24 best interests of the minor and the public that the minor ~~he~~ be
25 made a ward of the court. To assist the court in making this

1 and other determinations at the dispositional hearing, the
2 court may order that an investigation be conducted and a
3 dispositional report be prepared concerning the minor's
4 physical and mental history and condition, family situation
5 and background, economic status, education, occupation,
6 history of delinquency or criminality, personal habits, and
7 any other information that may be helpful to the court.

8 (Source: P.A. 85-601.)

9 (705 ILCS 405/3-23) (from Ch. 37, par. 803-23)

10 Sec. 3-23. Dispositional hearing; evidence; continuance.

11 (1) At the dispositional hearing, the court shall determine
12 whether it is in the best interests of the minor and the public
13 that the minor ~~he~~ be made a ward of the court, and, if the
14 minor ~~he~~ is to be made a ward of the court, the court shall
15 determine the proper disposition best serving the interests of
16 the minor and the public. All evidence helpful in determining
17 these questions, including oral and written reports, may be
18 admitted and may be relied upon to the extent of its probative
19 value, even though not competent for the purposes of the
20 adjudicatory hearing.

21 (2) Notice in compliance with Sections 3-17 and 3-18 must
22 be given to all parties-respondent prior to proceeding to a
23 dispositional hearing. Before making an order of disposition
24 the court shall advise the State's Attorney, the parents,
25 guardian, custodian or responsible relative or their counsel

1 of the factual contents and the conclusions of the reports
2 prepared for the use of the court and considered by it, and
3 afford fair opportunity, if requested, to controvert them. The
4 court may order, however, that the documents containing such
5 reports need not be submitted for inspection, or that sources
6 of confidential information need not be disclosed except to
7 the attorneys for the parties. Factual contents, conclusions,
8 documents and sources disclosed by the court under this
9 paragraph shall not be further disclosed without the express
10 approval of the court pursuant to an in camera hearing.

11 (3) A record of a prior continuance under supervision
12 under Section 3-21, whether successfully completed or not, is
13 admissible at the dispositional hearing.

14 (4) On its own motion or that of the State's Attorney, a
15 parent, guardian, custodian, responsible relative or counsel,
16 the court may adjourn the hearing for a reasonable period to
17 receive reports or other evidence. In scheduling
18 investigations and hearings, the court shall give priority to
19 proceedings in which a minor has been removed from the minor's
20 ~~his or her~~ home before an order of disposition has been made.

21 (Source: P.A. 85-601.)

22 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

23 Sec. 3-24. Kinds of dispositional orders.

24 (1) The following kinds of orders of disposition may be
25 made in respect to wards of the court: A minor found to be

1 requiring authoritative intervention under Section 3-3 may be
2 (a) committed to the Department of Children and Family
3 Services, subject to Section 5 of the Children and Family
4 Services Act; (b) placed under supervision and released to the
5 minor's ~~his or her~~ parents, guardian or legal custodian; (c)
6 placed in accordance with Section 3-28 with or without also
7 being placed under supervision. Conditions of supervision may
8 be modified or terminated by the court if it deems that the
9 best interests of the minor and the public will be served
10 thereby; (d) ordered partially or completely emancipated in
11 accordance with the provisions of the Emancipation of Minors
12 Act; or (e) subject to having the minor's ~~his or her~~ driver's
13 license or driving privilege suspended for such time as
14 determined by the Court but only until the minor ~~he or she~~
15 attains 18 years of age.

16 (2) Any order of disposition may provide for protective
17 supervision under Section 3-25 and may include an order of
18 protection under Section 3-26.

19 (3) Unless the order of disposition expressly so provides,
20 it does not operate to close proceedings on the pending
21 petition, but is subject to modification until final closing
22 and discharge of the proceedings under Section 3-32.

23 (4) In addition to any other order of disposition, the
24 court may order any person found to be a minor requiring
25 authoritative intervention under Section 3-3 to make
26 restitution, in monetary or non-monetary form, under the terms

1 and conditions of Section 5-5-6 of the Unified Code of
2 Corrections, except that the "presentence hearing" referred to
3 therein shall be the dispositional hearing for purposes of
4 this Section. The parent, guardian or legal custodian of the
5 minor may pay some or all of such restitution on the minor's
6 behalf.

7 (5) Any order for disposition where the minor is committed
8 or placed in accordance with Section 3-28 shall provide for
9 the parents or guardian of the estate of such minor to pay to
10 the legal custodian or guardian of the person of the minor such
11 sums as are determined by the custodian or guardian of the
12 person of the minor as necessary for the minor's needs. Such
13 payments may not exceed the maximum amounts provided for by
14 Section 9.1 of the Children and Family Services Act.

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

20 (7) The court must impose upon a minor under an order of
21 continuance under supervision or an order of disposition under
22 this Article III, as a condition of the order, a fee of \$25 for
23 each month or partial month of supervision with a probation
24 officer. If the court determines the inability of the minor,
25 or the parent, guardian, or legal custodian of the minor to pay
26 the fee, the court may impose a lesser fee. The court may not

1 impose the fee on a minor who is placed in the guardianship or
2 custody of the Department of Children and Family Services
3 under this Act. The fee may be imposed only upon a minor who is
4 actively supervised by the probation and court services
5 department. The fee must be collected by the clerk of the
6 circuit court. The clerk of the circuit court must pay all
7 monies collected from this fee to the county treasurer for
8 deposit into the probation and court services fund under
9 Section 15.1 of the Probation and Probation Officers Act.

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

11 (705 ILCS 405/3-25) (from Ch. 37, par. 803-25)

12 Sec. 3-25. Protective supervision. If the order of
13 disposition releases the minor to the custody of the minor's
14 ~~his~~ parents, guardian or legal custodian, or continues the
15 minor ~~him~~ in such custody, the court may place the person
16 having custody of the minor, except for representatives of
17 private or public agencies or governmental departments, under
18 supervision of the probation office. Rules or orders of court
19 shall define the terms and conditions of protective
20 supervision, which may be modified or terminated when the
21 court finds that the best interests of the minor and the public
22 will be served thereby.

23 (Source: P.A. 85-601.)

24 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

1 Sec. 3-26. Order of protection.

2 (1) The court may make an order of protection in
3 assistance of or as a condition of any other order authorized
4 by this Act. The order of protection may set forth reasonable
5 conditions of behavior to be observed for a specified period.
6 Such an order may require a person:

7 (a) To stay away from the home or the minor;

8 (b) To permit a parent to visit the minor at stated
9 periods;

10 (c) To abstain from offensive conduct against the
11 minor, the minor's ~~his~~ parent or any person to whom
12 custody of the minor is awarded;

13 (d) To give proper attention to the care of the home;

14 (e) To cooperate in good faith with an agency to which
15 custody of a minor is entrusted by the court or with an
16 agency or association to which the minor is referred by
17 the court;

18 (f) To prohibit and prevent any contact whatsoever
19 with the respondent minor by a specified individual or
20 individuals who are alleged in either a criminal or
21 juvenile proceeding to have caused injury to a respondent
22 minor or a sibling of a respondent minor;

23 (g) To refrain from acts of commission or omission
24 that tend to make the home not a proper place for the
25 minor.

26 (2) The court shall enter an order of protection to

1 prohibit and prevent any contact between a respondent minor or
2 a sibling of a respondent minor and any person named in a
3 petition seeking an order of protection who has been convicted
4 of heinous battery or aggravated battery under subdivision
5 (a)(2) of Section 12-3.05, aggravated battery of a child or
6 aggravated battery under subdivision (b)(1) of Section
7 12-3.05, criminal sexual assault, aggravated criminal sexual
8 assault, predatory criminal sexual assault of a child,
9 criminal sexual abuse, or aggravated criminal sexual abuse as
10 described in the Criminal Code of 1961 or the Criminal Code of
11 2012, or has been convicted of an offense that resulted in the
12 death of a child, or has violated a previous order of
13 protection under this Section.

14 (3) When the court issues an order of protection against
15 any person as provided by this Section, the court shall direct
16 a copy of such order to the Sheriff of that county. The Sheriff
17 shall furnish a copy of the order of protection to the Illinois
18 State Police within 24 hours of receipt, in the form and manner
19 required by the Department. The Illinois State Police shall
20 maintain a complete record and index of such orders of
21 protection and make this data available to all local law
22 enforcement agencies.

23 (4) After notice and opportunity for hearing afforded to a
24 person subject to an order of protection, the order may be
25 modified or extended for a further specified period or both or
26 may be terminated if the court finds that the best interests of

1 the minor and the public will be served thereby.

2 (5) An order of protection may be sought at any time during
3 the course of any proceeding conducted pursuant to this Act.
4 Any person against whom an order of protection is sought may
5 retain counsel to represent the person ~~him~~ at a hearing, and
6 has rights to be present at the hearing, to be informed prior
7 to the hearing in writing of the contents of the petition
8 seeking a protective order and of the date, place and time of
9 such hearing, and to cross examine witnesses called by the
10 petitioner and to present witnesses and argument in opposition
11 to the relief sought in the petition.

12 (6) Diligent efforts shall be made by the petitioner to
13 serve any person or persons against whom any order of
14 protection is sought with written notice of the contents of
15 the petition seeking a protective order and of the date, place
16 and time at which the hearing on the petition is to be held.
17 When a protective order is being sought in conjunction with a
18 shelter care hearing, if the court finds that the person
19 against whom the protective order is being sought has been
20 notified of the hearing or that diligent efforts have been
21 made to notify such person, the court may conduct a hearing. If
22 a protective order is sought at any time other than in
23 conjunction with a shelter care hearing, the court may not
24 conduct a hearing on the petition in the absence of the person
25 against whom the order is sought unless the petitioner has
26 notified such person by personal service at least 3 days

1 before the hearing or has sent written notice by first class
2 mail to such person's last known address at least 5 days before
3 the hearing.

4 (7) A person against whom an order of protection is being
5 sought who is neither a parent, guardian, legal custodian or
6 responsible relative as described in Section 1-5 is not a
7 party or respondent as defined in that Section and shall not be
8 entitled to the rights provided therein. Such person does not
9 have a right to appointed counsel or to be present at any
10 hearing other than the hearing in which the order of
11 protection is being sought or a hearing directly pertaining to
12 that order. Unless the court orders otherwise, such person
13 does not have a right to inspect the court file.

14 (8) All protective orders entered under this Section shall
15 be in writing. Unless the person against whom the order was
16 obtained was present in court when the order was issued, the
17 sheriff, other law enforcement official or special process
18 server shall promptly serve that order upon that person and
19 file proof of such service, in the manner provided for service
20 of process in civil proceedings. The person against whom the
21 protective order was obtained may seek a modification of the
22 order by filing a written motion to modify the order within 7
23 days after actual receipt by the person of a copy of the order.
24 (Source: P.A. 102-538, eff. 8-20-21.)

25 (705 ILCS 405/3-27) (from Ch. 37, par. 803-27)

1 Sec. 3-27. Enforcement of orders of protective supervision
2 or of protection.

3 (1) Orders of protective supervision and orders of
4 protection may be enforced by citation to show cause for
5 contempt of court by reason of any violation thereof and,
6 where protection of the welfare of the minor so requires, by
7 the issuance of a warrant to take the alleged violator into
8 custody and bring the minor ~~him~~ before the court.

9 (2) In any case where an order of protection has been
10 entered, the clerk of the court may issue to the petitioner, to
11 the minor or to any other person affected by the order a
12 certificate stating that an order of protection has been made
13 by the court concerning such persons and setting forth its
14 terms and requirements. The presentation of the certificate to
15 any peace officer authorizes the peace officer ~~him~~ to take
16 into custody a person charged with violating the terms of the
17 order of protection, to bring such person before the court
18 and, within the limits of the peace officer's ~~his~~ legal
19 authority as such peace officer, otherwise to aid in securing
20 the protection the order is intended to afford.

21 (Source: P.A. 85-601.)

22 (705 ILCS 405/3-28) (from Ch. 37, par. 803-28)

23 Sec. 3-28. Placement; legal custody or guardianship.

24 (1) If the court finds that the parents, guardian or legal
25 custodian of a minor adjudged a ward of the court are unfit or

1 are unable, for some reason other than financial circumstances
2 alone, to care for, protect, train or discipline the minor or
3 are unwilling to do so, and that appropriate services aimed at
4 family preservation and family reunification have been
5 unsuccessful in rectifying the conditions which have led to
6 such a finding of unfitness or inability to care for, protect,
7 train or discipline the minor, and that it is in the best
8 interest of the minor to take the minor ~~him~~ from the custody of
9 the minor's ~~his~~ parents, guardian or custodian, the court may:

10 (a) place the minor ~~him~~ in the custody of a suitable
11 relative or other person;

12 (b) place the minor ~~him~~ under the guardianship of a
13 probation officer;

14 (c) commit the minor ~~him~~ to an agency for care or
15 placement, except an institution under the authority of
16 the Department of Juvenile Justice or of the Department of
17 Children and Family Services;

18 (d) commit the minor ~~him~~ to some licensed training
19 school or industrial school; or

20 (e) commit the minor ~~him~~ to any appropriate
21 institution having among its purposes the care of
22 delinquent children, including a child protective facility
23 maintained by a Child Protection District serving the
24 county from which commitment is made, but not including
25 any institution under the authority of the Department of
26 Juvenile Justice or of the Department of Children and

1 Family Services.

2 (2) When making such placement, the court, wherever
3 possible, shall select a person holding the same religious
4 belief as that of the minor or a private agency controlled by
5 persons of like religious faith of the minor and shall require
6 the Department of Children and Family Services to otherwise
7 comply with Section 7 of the Children and Family Services Act
8 in placing the child. In addition, whenever alternative plans
9 for placement are available, the court shall ascertain and
10 consider, to the extent appropriate in the particular case,
11 the views and preferences of the minor.

12 (3) When a minor is placed with a suitable relative or
13 other person, the court shall appoint the suitable relative or
14 other person as ~~him~~ the legal custodian or guardian of the
15 person of the minor. When a minor is committed to any agency,
16 the court shall appoint the proper officer or representative
17 thereof as legal custodian or guardian of the person of the
18 minor. Legal custodians and guardians of the person of the
19 minor have the respective rights and duties set forth in
20 paragraph (9) of Section 1-3 except as otherwise provided by
21 order of the court; but no guardian of the person may consent
22 to adoption of the minor unless that authority is conferred
23 upon the guardian ~~him~~ in accordance with Section 3-30. An
24 agency whose representative is appointed guardian of the
25 person or legal custodian of the minor may place the minor ~~him~~
26 in any child care facility, but such facility must be licensed

1 under the Child Care Act of 1969 or have been approved by the
2 Department of Children and Family Services as meeting the
3 standards established for such licensing. No agency may place
4 such minor in a child care facility unless such placement is in
5 compliance with the rules and regulations for placement under
6 this Section promulgated by the Department of Children and
7 Family Services under Section 5 of the Children and Family
8 Services Act ~~"An Act creating the Department of Children and~~
9 ~~Family Services, codifying its powers and duties, and~~
10 ~~repealing certain Acts and Sections herein named".~~ Like
11 authority and restrictions shall be conferred by the court
12 upon any probation officer who has been appointed guardian of
13 the 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 such legal
20 custodian or guardian of the person a certified copy of the
21 order of the court, as proof of the legal custodian's or
22 guardian's ~~his~~ authority. No other process is necessary as
23 authority for the keeping of the minor.

24 (6) Custody or guardianship granted hereunder continues
25 until the court otherwise directs, but not after the minor
26 reaches the age of 19 years except as set forth in Section

1 3-32.

2 (Source: P.A. 98-83, eff. 7-15-13.)

3 (705 ILCS 405/3-29) (from Ch. 37, par. 803-29)

4 Sec. 3-29. Court review. (1) The court may require any
5 legal custodian or guardian of the person appointed under this
6 Act to report periodically to the court or may cite the legal
7 custodian or guardian ~~him~~ into court and require the legal
8 custodian, guardian, him or the legal custodian's or
9 guardian's ~~his~~ agency~~7~~ to make a full and accurate report of
10 the his or its doings of the legal custodian, guardian, or
11 agency on in behalf of the minor. The custodian or guardian,
12 within 10 days after such citation, shall make the report,
13 either in writing verified by affidavit or orally under oath
14 in open court, or otherwise as the court directs. Upon the
15 hearing of the report the court may remove the custodian or
16 guardian and appoint another in the custodian's or guardian's
17 ~~his~~ stead or restore the minor to the custody of the minor's
18 ~~his~~ parents or former guardian or custodian.

19 (2) A guardian or custodian appointed by the court
20 pursuant to this Act shall file updated case plans with the
21 court every 6 months. Every agency which has guardianship of a
22 child shall file a supplemental petition for court review, or
23 review by an administrative body appointed or approved by the
24 court and further order within 18 months of dispositional
25 order and each 18 months thereafter. Such petition shall state

1 facts relative to the child's present condition of physical,
2 mental and emotional health as well as facts relative to the
3 child's ~~his~~ present custodial or foster care. The petition
4 shall be set for hearing and the clerk shall mail 10 days
5 notice of the hearing by certified mail, return receipt
6 requested, to the person or agency having the physical custody
7 of the child, the minor and other interested parties unless a
8 written waiver of notice is filed with the petition.

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 (3) The minor or any person interested in the minor may
13 apply to the court for a change in custody of the minor and the
14 appointment of a new custodian or guardian of the person or for
15 the restoration of the minor to the custody of the minor's ~~his~~
16 parents or former guardian or custodian.

17 In the event that the minor has attained 18 years of age
18 and the guardian or custodian petitions the court for an order
19 terminating the minor's ~~his~~ guardianship or custody,
20 guardianship or custody shall terminate automatically 30 days
21 after the receipt of the petition unless the court orders
22 otherwise. No legal custodian or guardian of the person may be
23 removed without the legal custodian's or guardian's ~~his~~
24 consent until given notice and an opportunity to be heard by
25 the court.

26 (Source: P.A. 85-601.)

1 (705 ILCS 405/3-30) (from Ch. 37, par. 803-30)

2 Sec. 3-30. Adoption; appointment of guardian with power to
3 consent.

4 (1) A ward of the court under this Act, with the consent of
5 the court, may be the subject of a petition for adoption under
6 the Adoption Act ~~"An Act in relation to the adoption of~~
7 ~~persons, and to repeal an Act therein named", approved July~~
8 ~~17, 1959, as amended,~~ or with like consent the minor's ~~his or~~
9 ~~her~~ parent or parents may, in the manner required by such Act,
10 surrender the minor ~~him or her~~ for adoption to an agency
11 legally authorized or licensed to place children for adoption.

12 (2) If the petition prays and the court finds that it is in
13 the best interests of the minor that a guardian of the person
14 be appointed and authorized to consent to the adoption of the
15 minor, the court with the consent of the parents, if living, or
16 after finding, based upon clear and convincing evidence, that
17 a non-consenting parent is an unfit person as defined in
18 Section 1 of the Adoption Act ~~"An Act in relation to the~~
19 ~~adoption of persons, and to repeal an Act therein named",~~
20 ~~approved July 17, 1959, as amended,~~ may empower the guardian
21 of the person of the minor, in the order appointing the person
22 ~~him or her~~ as such guardian, to appear in court where any
23 proceedings for the adoption of the minor may at any time be
24 pending and to consent to the adoption. Such consent is
25 sufficient to authorize the court in the adoption proceedings

1 to enter a proper order or judgment of adoption without
2 further notice to, or consent by, the parents of the minor. An
3 order so empowering the guardian to consent to adoption
4 terminates parental rights, deprives the parents of the minor
5 of all legal rights as respects the minor and relieves them of
6 all parental responsibility for the minor ~~him or her~~, and
7 frees the minor from all obligations of maintenance and
8 obedience to the minor's ~~his or her~~ natural parents.

9 If the minor is over 14 years of age, the court may, in its
10 discretion, consider the wishes of the minor in determining
11 whether the best interests of the minor would be promoted by
12 the finding of the unfitness of a non-consenting parent.

13 (3) Parental consent to the order authorizing the guardian
14 of the person to consent to adoption of the Minor shall be
15 given in open court whenever possible and otherwise must be in
16 writing and signed in the form provided in the Adoption Act ~~"An~~
17 ~~Act in relation to the adoption of persons, and to repeal an~~
18 ~~Act therein named", approved July 17, 1959, as amended, but no~~
19 names of petitioners for adoption need be included. A finding
20 of the unfitness of a nonconsenting parent must be made in
21 compliance with that Act and be based upon clear and
22 convincing evidence. Provisions of that Act relating to minor
23 parents and to mentally ill or mentally deficient parents
24 apply to proceedings under this Section and shall be based
25 upon clear and convincing evidence.

26 (Source: P.A. 85-601.)

1 (705 ILCS 405/3-32) (from Ch. 37, par. 803-32)

2 Sec. 3-32. Duration of wardship and discharge of
3 proceedings.

4 (1) All proceedings under this Act in respect to any minor
5 for whom a petition was filed after the effective date of this
6 amendatory Act of 1991 automatically terminate upon the minor
7 ~~his~~ attaining the age of 19 years, except that a court may
8 continue the wardship of a minor until age 21 for good cause
9 when there is satisfactory evidence presented to the court
10 that the best interest of the minor and the public require the
11 continuation of the wardship.

12 (2) Whenever the court finds that the best interests of
13 the minor and the public no longer require the wardship of the
14 court, the court shall order the wardship terminated and all
15 proceedings under this Act respecting that minor finally
16 closed and discharged. The court may at the same time continue
17 or terminate any custodianship or guardianship theretofore
18 ordered but termination must be made in compliance with
19 Section 3-29.

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

1 proceedings under this Act as finally closed and discharged
2 for that reason.

3 (Source: P.A. 87-14.)

4 (705 ILCS 405/3-33.5)

5 Sec. 3-33.5. Truant minors in need of supervision.

6 (a) Definition. A minor who is reported by the office of
7 the regional superintendent of schools as a chronic truant may
8 be subject to a petition for adjudication and adjudged a
9 truant minor in need of supervision, provided that prior to
10 the filing of the petition, the office of the regional
11 superintendent of schools or a community truancy review board
12 certifies that the local school has provided appropriate
13 truancy intervention services to the truant minor and the
14 minor's ~~his or her~~ family. For purposes of this Section,
15 "truancy intervention services" means services designed to
16 assist the minor's return to an educational program, and
17 includes but is not limited to: assessments, counseling,
18 mental health services, shelter, optional and alternative
19 education programs, tutoring, and educational advocacy. If,
20 after review by the regional office of education or community
21 truancy review board, it is determined the local school did
22 not provide the appropriate interventions, then the minor
23 shall be referred to a comprehensive community based youth
24 service agency for truancy intervention services. If the
25 comprehensive community based youth service agency is

1 incapable to provide intervention services, then this
2 requirement for services is not applicable. The comprehensive
3 community based youth service agency shall submit reports to
4 the office of the regional superintendent of schools or
5 truancy review board within 20, 40, and 80 school days of the
6 initial referral or at any other time requested by the office
7 of the regional superintendent of schools or truancy review
8 board, which reports each shall certify the date of the
9 minor's referral and the extent of the minor's progress and
10 participation in truancy intervention services provided by the
11 comprehensive community based youth service agency. In
12 addition, if, after referral by the office of the regional
13 superintendent of schools or community truancy review board,
14 the minor declines or refuses to fully participate in truancy
15 intervention services provided by the comprehensive community
16 based youth service agency, then the agency shall immediately
17 certify such facts to the office of the regional
18 superintendent of schools or community truancy review board.

19 (a-1) There is a rebuttable presumption that a chronic
20 truant is a truant minor in need of supervision.

21 (a-2) There is a rebuttable presumption that school
22 records of a minor's attendance at school are authentic.

23 (a-3) For purposes of this Section, "chronic truant" has
24 the meaning ascribed to it in Section 26-2a of the School Code.

25 (a-4) For purposes of this Section, a "community truancy
26 review board" is a local community based board comprised of

1 but not limited to: representatives from local comprehensive
2 community based youth service agencies, representatives from
3 court service agencies, representatives from local schools,
4 representatives from health service agencies, and
5 representatives from local professional and community
6 organizations as deemed appropriate by the office of the
7 regional superintendent of schools. The regional
8 superintendent of schools must approve the establishment and
9 organization of a community truancy review board, and the
10 regional superintendent of schools or the regional
11 superintendent's ~~his or her~~ designee shall chair the board.

12 (a-5) Nothing in this Section shall be construed to create
13 a private cause of action or right of recovery against a
14 regional office of education, its superintendent, or its staff
15 with respect to truancy intervention services where the
16 determination to provide the services is made in good faith.

17 (b) Kinds of dispositional orders. A minor found to be a
18 truant minor in need of supervision may be:

19 (1) committed to the appropriate regional
20 superintendent of schools for a student assistance team
21 staffing, a service plan, or referral to a comprehensive
22 community based youth service agency;

23 (2) required to comply with a service plan as
24 specifically provided by the appropriate regional
25 superintendent of schools;

26 (3) ordered to obtain counseling or other supportive

1 services;

2 (4) (blank);

3 (5) required to perform some reasonable public service
4 work such as, but not limited to, the picking up of litter
5 in public parks or along public highways or the
6 maintenance of public facilities; or

7 (6) (blank).

8 A dispositional order may include public service only if
9 the court has made an express written finding that a truancy
10 prevention program has been offered by the school, regional
11 superintendent of schools, or a comprehensive community based
12 youth service agency to the truant minor in need of
13 supervision.

14 (c) Orders entered under this Section may be enforced by
15 contempt proceedings.

16 (Source: P.A. 102-456, eff. 1-1-22.)

17 (705 ILCS 405/4-1) (from Ch. 37, par. 804-1)

18 Sec. 4-1. Jurisdictional facts. Proceedings may be
19 instituted under the provisions of this Article concerning
20 children ~~boys and girls~~ who are addicted as defined in Section
21 4-3.

22 (Source: P.A. 85-601.)

23 (705 ILCS 405/4-4) (from Ch. 37, par. 804-4)

24 Sec. 4-4. Taking into custody.

1 (1) A law enforcement officer may, without a warrant, take
2 into temporary custody a minor (a) whom the officer with
3 reasonable cause believes to be an addicted minor; (b) who has
4 been adjudged a ward of the court and has escaped from any
5 commitment ordered by the court under this Act; or (c) who is
6 found in any street or public place suffering from any
7 sickness or injury which requires care, medical treatment or
8 hospitalization.

9 (2) Whenever a petition has been filed under Section 4-12
10 and the court finds that the conduct and behavior of the minor
11 may endanger the health, person, welfare, or property of the
12 minor ~~himself~~ or others or that the circumstances of the
13 minor's ~~his~~ home environment may endanger the minor's ~~his~~
14 health, person, welfare or property, a warrant may be issued
15 immediately to take the minor into custody.

16 (3) The taking of a minor into temporary custody under
17 this Section is not an arrest nor does it constitute a police
18 record.

19 (4) Minors taken into temporary custody under this Section
20 are subject to the provisions of Section 1-4.1.

21 (Source: P.A. 87-1154.)

22 (705 ILCS 405/4-5) (from Ch. 37, par. 804-5)

23 Sec. 4-5. Duty of officer; admissions by minor. (1) A law
24 enforcement officer who takes a minor into custody with a
25 warrant shall immediately make a reasonable attempt to notify

1 the parent or other person legally responsible for the minor's
2 care or the person with whom the minor resides that the minor
3 has been taken into custody and where the minor ~~he or she~~ is
4 being held; and the officer shall without unnecessary delay
5 take the minor to the nearest juvenile police officer
6 designated for such purposes in the county of venue or shall
7 surrender the minor to a juvenile police officer in the city or
8 village where the offense is alleged to have been committed.

9 The minor shall be delivered without unnecessary delay to
10 the court or to the place designated by rule or order of court
11 for the reception of minors, provided that the court may not
12 designate a place of detention.

13 (2) A law enforcement officer who takes a minor into
14 custody without a warrant under Section 4-4 shall, if the
15 minor is not released, immediately make a reasonable attempt
16 to notify the parent or other person legally responsible for
17 the minor's care or the person with whom the minor resides that
18 the minor has been taken into custody and where the minor is
19 being held; and the law enforcement officer shall without
20 unnecessary delay take the minor to the nearest juvenile
21 police officer designated for such purposes in the county of
22 venue.

23 (3) The juvenile police officer may take one of the
24 following actions:

25 (a) station adjustment with release of the minor;

26 (b) station adjustment with release of the minor to a

1 parent;

2 (c) station adjustment, release of the minor to a parent,
3 and referral of the case to community services;

4 (d) station adjustment, release of the minor to a parent,
5 and referral of the case to community services with informal
6 monitoring by a juvenile police officer;

7 (e) station adjustment and release of the minor to a third
8 person pursuant to agreement of the minor and parents;

9 (f) station adjustment, release of the minor to a third
10 person pursuant to agreement of the minor and parents, and
11 referral of the case to community services;

12 (g) station adjustment, release of the minor to a third
13 person pursuant to agreement of the minor and parents, and
14 referral to community services with informal monitoring by a
15 juvenile police officer;

16 (h) release of the minor to the minor's ~~his or her~~ parents
17 and referral of the case to a county juvenile probation
18 officer or such other public officer designated by the court;

19 (i) if the juvenile police officer reasonably believes
20 that there is an urgent and immediate necessity to keep the
21 minor in custody, the juvenile police officer shall deliver
22 the minor without unnecessary delay to the court or to the
23 place designated by rule or order of the court for the
24 reception of minors; and

25 (j) any other appropriate action with consent of the minor
26 and a parent.

1 (Source: P.A. 85-601.)

2 (705 ILCS 405/4-6) (from Ch. 37, par. 804-6)

3 Sec. 4-6. Temporary custody. "Temporary custody" means the
4 temporary placement of the minor out of the custody of the
5 minor's ~~his or her~~ guardian or parent.

6 (a) "Temporary protective custody" means custody within a
7 hospital or other medical facility or a place previously
8 designated for such custody by the Department, subject to
9 review by the Court, including a licensed foster home, group
10 home, or other institution; but such place shall not be a jail
11 or other place for the detention of criminal or juvenile
12 offenders.

13 (b) "Shelter care" means a physically unrestrictive
14 facility designated by Department of Children and Family
15 Services or a licensed child welfare agency or other suitable
16 place designated by the court for a minor who requires care
17 away from the minor's ~~his or her~~ home.

18 (Source: P.A. 85-601.)

19 (705 ILCS 405/4-7) (from Ch. 37, par. 804-7)

20 Sec. 4-7. Investigation; release. When a minor is
21 delivered to the court, or to the place designated by the court
22 under Section 4-6 of this Act, a probation officer or such
23 other public officer designated by the court shall immediately
24 investigate the circumstances of the minor and the facts

1 surrounding the minor ~~his or her~~ being taken into custody. The
2 minor shall be immediately released to the custody of the
3 minor's ~~his or her~~ parent, guardian, legal custodian or
4 responsible relative, unless the probation officer or such
5 other public officer designated by the court finds that
6 further temporary custody is necessary, as provided in Section
7 4-6.

8 (Source: P.A. 85-601.)

9 (705 ILCS 405/4-8) (from Ch. 37, par. 804-8)

10 Sec. 4-8. Setting of shelter care hearing.

11 (1) Unless sooner released, a minor alleged to be addicted
12 taken into temporary protective custody must be brought before
13 a judicial officer within 48 hours, exclusive of Saturdays,
14 Sundays and holidays, for a shelter care hearing to determine
15 whether the minor ~~he~~ shall be further held in custody.

16 (2) If the probation officer or such other public officer
17 designated by the court determines that the minor should be
18 retained in custody, the probation officer or such other
19 public officer designated by the court ~~he~~ shall cause a
20 petition to be filed as provided in Section 4-12 of this Act,
21 and the clerk of the court shall set the matter for hearing on
22 the shelter care hearing calendar. When a parent, guardian,
23 custodian or responsible relative is present and so requests,
24 the shelter care hearing shall be held immediately if the
25 court is in session, otherwise at the earliest feasible time.

1 The probation officer or such other public officer designated
2 by the court shall notify the minor's parent, guardian,
3 custodian or responsible relative of the time and place of the
4 hearing. The notice may be given orally.

5 (3) The minor must be released from custody at the
6 expiration of the 48 hour period, as the case may be, specified
7 by this Section, if not brought before a judicial officer
8 within that period.

9 (Source: P.A. 85-601.)

10 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

11 Sec. 4-9. Shelter care hearing. At the appearance of the
12 minor before the court at the shelter care hearing, all
13 witnesses present shall be examined before the court in
14 relation to any matter connected with the allegations made in
15 the petition.

16 (1) If the court finds that there is not probable cause to
17 believe that the minor is addicted, it shall release the minor
18 and dismiss the petition.

19 (2) If the court finds that there is probable cause to
20 believe that the minor is addicted, the minor, the minor's ~~his~~
21 ~~or her~~ parent, guardian, custodian and other persons able to
22 give relevant testimony shall be examined before the court.
23 After such testimony, the court may enter an order that the
24 minor shall be released upon the request of a parent, guardian
25 or custodian if the parent, guardian or custodian appears to

1 take custody and agrees to abide by a court order which
2 requires the minor and the minor's ~~his or her~~ parent,
3 guardian, or legal custodian to complete an evaluation by an
4 entity licensed by the Department of Human Services, as the
5 successor to the Department of Alcoholism and Substance Abuse,
6 and complete any treatment recommendations indicated by the
7 assessment. "Custodian" includes the Department of Children
8 and Family Services, if it has been given custody of the child,
9 or any other agency of the State which has been given custody
10 or wardship of the child.

11 The Court shall require documentation by representatives
12 of the Department of Children and Family Services or the
13 probation department as to the reasonable efforts that were
14 made to prevent or eliminate the necessity of removal of the
15 minor from the minor's ~~his or her~~ home, and shall consider the
16 testimony of any person as to those reasonable efforts. If the
17 court finds that it is a matter of immediate and urgent
18 necessity for the protection of the minor or of the person or
19 property of another that the minor be placed in a shelter care
20 facility or that the minor ~~he or she~~ is likely to flee the
21 jurisdiction of the court, and further, finds that reasonable
22 efforts have been made or good cause has been shown why
23 reasonable efforts cannot prevent or eliminate the necessity
24 of removal of the minor from the minor's ~~his or her~~ home, the
25 court may prescribe shelter care and order that the minor be
26 kept in a suitable place designated by the court or in a

1 shelter care facility designated by the Department of Children
2 and Family Services or a licensed child welfare agency, or in a
3 facility or program licensed by the Department of Human
4 Services for shelter and treatment services; otherwise it
5 shall release the minor from custody. If the court prescribes
6 shelter care, then in placing the minor, the Department or
7 other agency shall, to the extent compatible with the court's
8 order, comply with Section 7 of the Children and Family
9 Services Act. If the minor is ordered placed in a shelter care
10 facility of the Department of Children and Family Services or
11 a licensed child welfare agency, or in a facility or program
12 licensed by the Department of Human Services for shelter and
13 treatment services, the court shall, upon request of the
14 appropriate Department or other agency, appoint the Department
15 of Children and Family Services Guardianship Administrator or
16 other appropriate agency executive temporary custodian of the
17 minor and the court may enter such other orders related to the
18 temporary custody as it deems fit and proper, including the
19 provision of services to the minor or the minor's ~~his~~ family to
20 ameliorate the causes contributing to the finding of probable
21 cause or to the finding of the existence of immediate and
22 urgent necessity. Acceptance of services shall not be
23 considered an admission of any allegation in a petition made
24 pursuant to this Act, nor may a referral of services be
25 considered as evidence in any proceeding pursuant to this Act,
26 except where the issue is whether the Department has made

1 reasonable efforts to reunite the family. In making its
2 findings that reasonable efforts have been made or that good
3 cause has been shown why reasonable efforts cannot prevent or
4 eliminate the necessity of removal of the minor from the
5 minor's ~~his or her~~ home, the court shall state in writing its
6 findings concerning the nature of the services that were
7 offered or the efforts that were made to prevent removal of the
8 child and the apparent reasons that such services or efforts
9 could not prevent the need for removal. The parents, guardian,
10 custodian, temporary custodian and minor shall each be
11 furnished a copy of such written findings. The temporary
12 custodian shall maintain a copy of the court order and written
13 findings in the case record for the child. The order together
14 with the court's findings of fact in support thereof shall be
15 entered of record in the court.

16 Once the court finds that it is a matter of immediate and
17 urgent necessity for the protection of the minor that the
18 minor be placed in a shelter care facility, the minor shall not
19 be returned to the parent, custodian or guardian until the
20 court finds that such placement is no longer necessary for the
21 protection of the minor.

22 (3) If neither the parent, guardian, legal custodian,
23 responsible relative nor counsel of the minor has had actual
24 notice of or is present at the shelter care hearing, the
25 parent, guardian, legal custodian, responsible relative, or
26 counsel of the minor ~~he or she~~ may file an ~~his or her~~ affidavit

1 setting forth these facts, and the clerk shall set the matter
2 for rehearing not later than 24 hours, excluding Sundays and
3 legal holidays, after the filing of the affidavit. At the
4 rehearing, the court shall proceed in the same manner as upon
5 the original hearing.

6 (4) If the minor is not brought before a judicial officer
7 within the time period as specified in Section 4-8, the minor
8 must immediately be released from custody.

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

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

20 (7) If neither the parent, guardian or custodian appears
21 within 24 hours to take custody of a minor released upon
22 request pursuant to subsection (2) of this Section, then the
23 clerk of the court shall set the matter for rehearing not later
24 than 7 days after the original order and shall issue a summons
25 directed to the parent, guardian or custodian to appear. At
26 the same time the probation department shall prepare a report

1 on the minor. If a parent, guardian or custodian does not
2 appear at such rehearing, the judge may enter an order
3 prescribing that the minor be kept in a suitable place
4 designated by the Department of Children and Family Services
5 or a licensed child welfare agency.

6 (8) Any interested party, including the State, the
7 temporary custodian, an agency providing services to the minor
8 or family under a service plan pursuant to Section 8.2 of the
9 Abused and Neglected Child Reporting Act, foster parent, or
10 any of their representatives, may file a motion to modify or
11 vacate a temporary custody order on any of the following
12 grounds:

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

15 (b) There is a material change in the circumstances of
16 the natural family from which the minor was removed; or

17 (c) A person, 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.

24 The clerk shall set the matter for hearing not later than
25 14 days after such motion is filed. In the event that the court
26 modifies or vacates a temporary custody order but does not

1 vacate its finding of probable cause, the court may order that
2 appropriate services be continued or initiated in behalf of
3 the minor and the minor's ~~his or her~~ family.

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

8 (Source: P.A. 100-159, eff. 8-18-17; 100-201, eff. 8-18-17.)

9 (705 ILCS 405/4-11) (from Ch. 37, par. 804-11)

10 Sec. 4-11. Preliminary conferences.

11 (1) The court may authorize the probation officer to
12 confer in a preliminary conference with any person seeking to
13 file a petition under this Article, the prospective
14 respondents and other interested persons concerning the
15 advisability of filing the petition, with a view to adjusting
16 suitable cases without the filing of a petition as provided
17 for herein.

18 The probation officer should schedule a conference
19 promptly except where the State's Attorney insists on court
20 action or where the minor has indicated that the minor ~~he or~~
21 ~~she~~ will demand a judicial hearing and will not comply with an
22 informal adjustment.

23 (2) In any case of a minor who is in temporary custody, the
24 holding of preliminary conferences does not operate to prolong
25 temporary custody beyond the period permitted by Section 4-8.

1 (3) This Section does not authorize any probation officer
2 to compel any person to appear at any conference, produce any
3 papers, or visit any place.

4 (4) No statement made during a preliminary conference may
5 be admitted into evidence at an adjudicatory hearing or at any
6 proceeding against the minor under the criminal laws of this
7 State prior to the minor's ~~his or her~~ conviction thereunder.

8 (5) The probation officer shall promptly formulate a
9 written non-judicial adjustment plan following the initial
10 conference.

11 (6) Non-judicial adjustment plans include but are not
12 limited to the following:

13 (a) up to 6 months informal supervision within the
14 family;

15 (b) up to 12 months informal supervision with a
16 probation officer involved;

17 (c) up to 6 months informal supervision with release
18 to a person other than a parent;

19 (d) referral to special educational, counseling or
20 other rehabilitative social or educational programs;

21 (e) referral to residential treatment programs; and

22 (f) any other appropriate action with consent of the
23 minor and a parent.

24 (7) The factors to be considered by the probation officer
25 in formulating a written non-judicial adjustment plan shall be
26 the same as those limited in subsection (4) of Section 5-405.

1 (Source: P.A. 89-198, eff. 7-21-95; 90-590, eff. 1-1-99.)

2 (705 ILCS 405/4-12) (from Ch. 37, par. 804-12)

3 Sec. 4-12. Petition; supplemental petitions. (1) Any adult
4 person, any agency or association by its representative may
5 file, or the court on its own motion may direct the filing
6 through the State's Attorney of a petition in respect to a
7 minor under this Act. The petition and all subsequent court
8 documents shall be entitled "In the interest of, a
9 minor".

10 (2) The petition shall be verified but the statements may
11 be made upon information and belief. It shall allege that the
12 minor is addicted, as the case may be, and set forth (a) facts
13 sufficient to bring the minor under Section 4-1; (b) the name,
14 age and residence of the minor; (c) the names and residences of
15 the minor's ~~his~~ parents; (d) the name and residence of the
16 minor's ~~his~~ legal guardian or the person or persons having
17 custody or control of the minor, or of the nearest known
18 relative if no parent or guardian can be found; and (e) if the
19 minor upon whose behalf the petition is brought is sheltered
20 in custody, the date on which shelter care was ordered by the
21 court or the date set for a shelter care hearing. If any of the
22 facts herein required are not known by the petitioner, the
23 petition shall so state.

24 (3) The petition must allege that it is in the best
25 interests of the minor and of the public that the minor ~~he or~~

1 ~~she~~ be adjudged a ward of the court and may pray generally for
2 relief available under this Act. The petition need not specify
3 any proposed disposition following adjudication of wardship.

4 (4) If appointment of a guardian of the person with power
5 to consent to adoption of the minor under Section 4-27 is
6 sought, the petition shall so state.

7 (5) At any time before dismissal of the petition or before
8 final closing and discharge under Section 4-29, one or more
9 supplemental petitions may be filed in respect to the same
10 minor.

11 (Source: P.A. 85-1209.)

12 (705 ILCS 405/4-13) (from Ch. 37, par. 804-13)

13 Sec. 4-13. Date for adjudicatory hearing.

14 (a) (Blank). ~~Until January 1, 1988:~~

15 ~~(1) When a petition has been filed alleging that the minor~~
16 ~~is an addict under this Article, an adjudicatory hearing shall~~
17 ~~be held within 120 days. The 120 day period in which an~~
18 ~~adjudicatory hearing shall be held is tolled by: (A) delay~~
19 ~~occasioned by the minor; (B) a continuance allowed pursuant to~~
20 ~~Section 114-4 of the Code of Criminal Procedure of 1963 after a~~
21 ~~court's determination of the minor's physical incapacity for~~
22 ~~trial; or (C) an interlocutory appeal. Any such delay shall~~
23 ~~temporarily suspend for the time of the delay the period~~
24 ~~within which the adjudicatory hearing must be held. On the day~~
25 ~~of expiration of the delay, the said period shall continue at~~

1 ~~the point at which it was suspended. Where no such~~
2 ~~adjudicatory hearing is held within 120 days the court may,~~
3 ~~upon written motion of such minor's guardian ad litem, dismiss~~
4 ~~the petition with respect to such minor. Such dismissal shall~~
5 ~~be without prejudice.~~

6 ~~Where the court determines that the State has exercised,~~
7 ~~without success, due diligence to obtain evidence material to~~
8 ~~the case, and that there are reasonable grounds to believe~~
9 ~~that such evidence may be obtained at a later date the court~~
10 ~~may, upon written motion by the state, continue the matter for~~
11 ~~not more than 30 additional days.~~

12 ~~(2) In the case of a minor ordered held in shelter care,~~
13 ~~the hearing on the petition must be held within 10 judicial~~
14 ~~days from the date of the order of the court directing shelter~~
15 ~~care, or the earliest possible date in compliance with the~~
16 ~~notice provisions of Sections 4-14 and 4-15 as to the~~
17 ~~custodial parent, guardian or legal custodian, but no later~~
18 ~~than 30 judicial days from the date of the order of the court~~
19 ~~directing shelter care. Delay occasioned by the respondent~~
20 ~~shall temporarily suspend, for the time of the delay, the~~
21 ~~period within which a respondent must be brought to an~~
22 ~~adjudicatory hearing pursuant to this Section.~~

23 ~~Any failure to comply with the time limits of this~~
24 ~~subsection must require the immediate release of the minor and~~
25 ~~the time limits of subsection (a) (1) shall apply.~~

26 ~~(3) Nothing in this Section prevents the minor's exercise~~

1 ~~of his or her right to waive the time limits set forth in this~~
2 ~~Section.~~

3 (b) ~~Beginning January 1, 1988:~~ (1) (A) When a petition has
4 been filed alleging that the minor is an addict under this
5 Article, an adjudicatory hearing shall be held within 120 days
6 of a demand made by any party, except that when the court
7 determines that the State, without success, has exercised due
8 diligence to obtain evidence material to the case and that
9 there are reasonable grounds to believe that such evidence may
10 be obtained at a later date, the court may, upon motion by the
11 State, continue the adjudicatory hearing for not more than 30
12 additional days.

13 The 120 day period in which an adjudicatory hearing shall
14 be held is tolled by: (i) delay occasioned by the minor; or
15 (ii) a continuance allowed pursuant to Section 114-4 of the
16 Code of Criminal Procedure of 1963 after a court's
17 determination of the minor's physical incapacity for trial; or
18 (iii) an interlocutory appeal. Any such delay shall
19 temporarily suspend for the time of the delay the period
20 within which the adjudicatory hearing must be held. On the day
21 of expiration of the delay, the said period shall continue at
22 the point at which it was suspended.

23 (B) When no such adjudicatory hearing is held within the
24 time required by paragraph (b) (1) (A) of this Section, the
25 court shall, upon motion by any party, dismiss the petition
26 with prejudice.

1 (2) Without affecting the applicability of the tolling and
2 multiple prosecution provisions of paragraph (b) (1) of this
3 Section, when a petition has been filed alleging that the
4 minor is an addict under this Article and the minor is in
5 shelter care, the adjudicatory hearing shall be held within 10
6 judicial days after the date of the order directing shelter
7 care, or the earliest possible date in compliance with the
8 notice provisions of Sections 4-14 and 4-15 as to the
9 custodial parent, guardian or legal custodian, but no later
10 than 30 judicial days from the date of the order of the court
11 directing shelter care.

12 (3) Any failure to comply with the time limits of
13 paragraph (b) (2) of this Section shall require the immediate
14 release of the minor from shelter care, and the time limits of
15 paragraph (b) (1) shall apply.

16 (4) Nothing in this Section prevents the minor or the
17 minor's parents or guardian from exercising their respective
18 rights to waive the time limits set forth in this Section.

19 (Source: P.A. 85-601.)

20 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

21 Sec. 4-14. Summons. (1) When a petition is filed, the
22 clerk of the court shall issue a summons with a copy of the
23 petition attached. The summons shall be directed to the
24 minor's legal guardian or custodian and to each person named
25 as a respondent in the petition, except that summons need not

1 be directed to a minor respondent under 8 years of age for whom
2 the court appoints a guardian ad litem if the guardian ad litem
3 appears on behalf of the minor in any proceeding under this
4 Act.

5 (2) The summons must contain a statement that the minor or
6 any of the respondents is entitled to have an attorney present
7 at the hearing on the petition, and that the clerk of the court
8 should be notified promptly if the minor or any other
9 respondent desires to be represented by an attorney but is
10 financially unable to employ counsel.

11 (3) The summons shall be issued under the seal of the
12 court, attested to and signed with the name of the clerk of the
13 court, dated on the day it is issued, and shall require each
14 respondent to appear and answer the petition on the date set
15 for the adjudicatory hearing.

16 (4) The summons may be served by any county sheriff,
17 coroner or probation officer, even though the officer is the
18 petitioner. The return of the summons with endorsement of
19 service by the officer is sufficient proof thereof.

20 (5) Service of a summons and petition shall be made by: (a)
21 leaving a copy thereof with the person summoned at least 3 days
22 before the time stated therein for appearance; (b) leaving a
23 copy at the summoned person's ~~his~~ usual place of abode with
24 some person of the family, of the age of 10 years or upwards,
25 and informing that person of the contents thereof, provided
26 that the officer or other person making service shall also

1 send a copy of the summons in a sealed envelope with postage
2 fully prepaid, addressed to the person summoned at the
3 person's ~~his~~ usual place of abode, at least 3 days before the
4 time stated therein for appearance; or (c) leaving a copy
5 thereof with the guardian or custodian of a minor, at least 3
6 days before the time stated therein for appearance. If the
7 guardian or custodian is an agency of the State of Illinois,
8 proper service may be made by leaving a copy of the summons and
9 petition with any administrative employee of such agency
10 designated by such agency to accept service of summons and
11 petitions. The certificate of the officer or affidavit of the
12 person that the officer or person ~~he~~ has sent the copy pursuant
13 to this Section is sufficient proof of service.

14 (6) When a parent or other person, who has signed a written
15 promise to appear and bring the minor to court or who has
16 waived or acknowledged service, fails to appear with the minor
17 on the date set by the court, a bench warrant may be issued for
18 the parent or other person, the minor, or both.

19 (7) The appearance of the minor's legal guardian or
20 custodian, or a person named as a respondent in a petition, in
21 any proceeding under this Act shall constitute a waiver of
22 service of summons and submission to the jurisdiction of the
23 court. A copy of the summons and petition shall be provided to
24 the person at the time of the person's ~~his~~ appearance.

25 (Source: P.A. 86-441.)

1 (705 ILCS 405/4-15) (from Ch. 37, par. 804-15)

2 Sec. 4-15. Notice by certified mail or publication.

3 (1) If service on individuals as provided in Section 4-14
4 is not made on any respondent within a reasonable time or if it
5 appears that any respondent resides outside the State, service
6 may be made by certified mail. In such case the clerk shall
7 mail the summons and a copy of the petition to that respondent
8 by certified mail marked for delivery to addressee only. The
9 court shall not proceed with the adjudicatory hearing until 5
10 days after such mailing. The regular return receipt for
11 certified mail is sufficient proof of service.

12 (2) If service upon individuals as provided in Section
13 4-14 is not made on any respondents within a reasonable time or
14 if any person is made a respondent under the designation of
15 "All whom it may Concern", or if service cannot be made because
16 the whereabouts of a respondent are unknown, service may be
17 made by publication. The clerk of the court as soon as possible
18 shall cause publication to be made once in a newspaper of
19 general circulation in the county where the action is pending.
20 Notice by publication is not required in any case when the
21 person alleged to have legal custody of the minor has been
22 served with summons personally or by certified mail, but the
23 court may not enter any order or judgment against any person
24 who cannot be served with process other than by publication
25 unless notice by publication is given or unless that person
26 appears. When a minor has been sheltered under Section 4-6 of

1 this Act and summons has not been served personally or by
 2 certified mail within 20 days from the date of the order of
 3 court directing such shelter care, the clerk of the court
 4 shall cause publication. Notice by publication shall be
 5 substantially as follows:

6 "A, B, C, D, (here giving the names of the named
 7 respondents, if any) and to All Whom It May Concern (if there
 8 is any respondent under that designation):

9 Take notice that on (insert date) a petition was filed
 10 under the Juvenile Court Act of 1987 by in the circuit
 11 court of county entitled 'In the interest of, a
 12 minor', and that in courtroom at on the day of
 13 at the hour of, or as soon thereafter as this cause
 14 may be heard, an adjudicatory hearing will be held upon the
 15 petition to have the child declared to be a ward of the court
 16 under that Act. The court has authority in this proceeding to
 17 take from you the custody and guardianship of the minor, (and
 18 if the petition prays for the appointment of a guardian with
 19 power to consent to adoption) and to appoint a guardian with
 20 power to consent to adoption of the minor.

21 Now, unless you appear at the hearing and show cause
 22 against the petition, the allegations of the petition may
 23 stand admitted as against you and each of you, and an order or
 24 judgment entered.

25

26 Clerk

1 Dated (insert the date of publication)"

2 (3) The clerk shall also at the time of the publication of
3 the notice send a copy thereof by mail to each of the
4 respondents on account of whom publication is made at each
5 respondent's ~~his or her~~ last known address. The certificate of
6 the clerk that the clerk ~~he or she~~ has mailed the notice is
7 evidence thereof. No other publication notice is required.
8 Every respondent notified by publication under this Section
9 must appear and answer in open court at the hearing. The court
10 may not proceed with the adjudicatory hearing until 10 days
11 after service by publication on any custodial parent, guardian
12 or legal custodian.

13 (4) If it becomes necessary to change the date set for the
14 hearing in order to comply with Section 4-14 or with this
15 Section, notice of the resetting of the date must be given, by
16 certified mail or other reasonable means, to each respondent
17 who has been served with summons personally or by certified
18 mail.

19 (Source: P.A. 91-357, eff. 7-29-99.)

20 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

21 Sec. 4-16. Guardian ad litem.

22 (1) Immediately upon the filing of a petition alleging
23 that the minor is a person described in Section 4-3 of this
24 Act, the court may appoint a guardian ad litem for the minor
25 if:

1 (a) such petition alleges that the minor is the victim
2 of sexual abuse or misconduct; or

3 (b) such petition alleges that charges alleging the
4 commission of any of the sex offenses defined in Article
5 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
6 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, have
8 been filed against a defendant in any court and that such
9 minor is the alleged victim of the acts of the defendant in
10 the commission of such offense.

11 Unless the guardian ad litem appointed pursuant to this
12 paragraph (1) is an attorney at law the guardian ad litem ~~he~~
13 shall be represented in the performance of the guardian ad
14 litem's ~~his~~ duties by counsel.

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

17 (a) no parent, guardian, custodian or relative of the
18 minor appears at the first or any subsequent hearing of
19 the case;

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

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

25 (3) The court may appoint a guardian ad litem for the minor
26 whenever it finds that there may be a conflict of interest

1 between the minor and the minor's ~~his~~ parents or other
2 custodian or that it is otherwise in the minor's interest to do
3 so.

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

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

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

12 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

13 Sec. 4-18. Continuance under supervision.

14 (1) The court may enter an order of continuance under
15 supervision (a) upon an admission or stipulation by the
16 appropriate respondent or minor respondent of the facts
17 supporting the petition and before proceeding to findings and
18 adjudication, or after hearing the evidence at the
19 adjudicatory hearing but before noting in the minutes of the
20 proceeding a finding of whether or not the minor is an addict,
21 and (b) in the absence of objection made in open court by the
22 minor, the minor's ~~his~~ parent, guardian, custodian,
23 responsible relative, defense attorney or the State's
24 Attorney.

25 (2) If the minor, the minor's ~~his~~ parent, guardian,

1 custodian, responsible relative, defense attorney or State's
2 Attorney, objects in open court to any such continuance and
3 insists upon proceeding to findings and adjudication, the
4 court shall so proceed.

5 (3) Nothing in this Section limits the power of the court
6 to order a continuance of the hearing for the production of
7 additional evidence or for any other proper reason.

8 (4) When a hearing is continued pursuant to this Section,
9 the court may permit the minor to remain in the minor's ~~his~~
10 home subject to such conditions concerning the minor's ~~his~~
11 conduct and supervision as the court may require by order.

12 (5) If a petition is filed charging a violation of a
13 condition of the continuance under supervision, the court
14 shall conduct a hearing. If the court finds that such
15 condition of supervision has not been fulfilled the court may
16 proceed to findings and adjudication and disposition. The
17 filing of a petition for violation of a condition of the
18 continuance under supervision shall toll the period of
19 continuance under supervision until the final determination of
20 the charge, and the term of the continuance under supervision
21 shall not run until the hearing and disposition of the
22 petition for violation; provided where the petition alleges
23 conduct that does not constitute a criminal offense, the
24 hearing must be held within 15 days of the filing of the
25 petition unless a delay in such hearing has been occasioned by
26 the minor, in which case the delay shall continue the tolling

1 of the period of continuance under supervision for the period
2 of such delay.

3 (6) The court must impose upon a minor under an order of
4 continuance under supervision or an order of disposition under
5 this Article IV, as a condition of the order, a fee of \$25 for
6 each month or partial month of supervision with a probation
7 officer. If the court determines the inability of the minor,
8 or the parent, guardian, or legal custodian of the minor to pay
9 the fee, the court may impose a lesser fee. The court may not
10 impose the fee on a minor who is placed in the guardianship or
11 custody of the Department of Children and Family Services
12 under this Act. The fee may be imposed only upon a minor who is
13 actively supervised by the probation and court services
14 department. The fee must be collected by the clerk of the
15 circuit court. The clerk of the circuit court must pay all
16 monies collected from this fee to the county treasurer for
17 deposit into the probation and court services fund under
18 Section 15.1 of the Probation and Probation Officers Act.

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

20 (705 ILCS 405/4-20) (from Ch. 37, par. 804-20)

21 Sec. 4-20. Dispositional hearing; evidence; continuance.

22 (1) At the dispositional hearing, the court shall determine
23 whether it is in the best interests of the minor and the public
24 that the minor ~~he~~ be made a ward of the court, and, if the
25 minor ~~he~~ is to be made a ward of the court, the court shall

1 determine the proper disposition best serving the interests of
2 the minor and the public. All evidence helpful in determining
3 these questions, including oral and written reports, may be
4 admitted and may be relied upon to the extent of its probative
5 value, even though not competent for the purposes of the
6 adjudicatory hearing.

7 (2) Notice in compliance with Sections 4-14 and 4-15 must
8 be given to all parties-respondents prior to proceeding to a
9 dispositional hearing. Before making an order of disposition
10 the court shall advise the State's Attorney, the parents,
11 guardian, custodian or responsible relative or their counsel
12 of the factual contents and the conclusions of the reports
13 prepared for the use of the court and considered by it, and
14 afford fair opportunity, if requested, to controvert them. The
15 court may order, however, that the documents containing such
16 reports need not be submitted to inspection, or that sources
17 of confidential information need not be disclosed except to
18 the attorneys for the parties. Factual contents, conclusions,
19 documents and sources disclosed by the court under this
20 paragraph shall not be further disclosed without the express
21 approval of the court pursuant to an in camera hearing.

22 (3) A record of a prior continuance under supervision
23 under Section 4-18, whether successfully completed or not, is
24 admissible at the dispositional hearing.

25 (4) On its own motion or that of the State's Attorney, a
26 parent, guardian, custodian, responsible relative or counsel,

1 the court may adjourn the hearing for a reasonable period to
2 receive reports or other evidence. In scheduling
3 investigations and hearings, the court shall give priority to
4 proceedings in which a minor has been removed from the minor's
5 ~~his or her~~ home before an order of disposition has been made.

6 (Source: P.A. 85-601.)

7 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

8 Sec. 4-21. Kinds of dispositional orders.

9 (1) A minor found to be addicted under Section 4-3 may be
10 (a) committed to the Department of Children and Family
11 Services, subject to Section 5 of the Children and Family
12 Services Act; (b) placed under supervision and released to the
13 minor's ~~his or her~~ parents, guardian or legal custodian; (c)
14 placed in accordance with Section 4-25 with or without also
15 being placed under supervision. Conditions of supervision may
16 be modified or terminated by the court if it deems that the
17 best interests of the minor and the public will be served
18 thereby; (d) required to attend an approved alcohol or drug
19 abuse treatment or counseling program on an inpatient or
20 outpatient basis instead of or in addition to the disposition
21 otherwise provided for in this paragraph; (e) ordered
22 partially or completely emancipated in accordance with the
23 provisions of the Emancipation of Minors Act; or (f) subject
24 to having the minor's ~~his or her~~ driver's license or driving
25 privilege suspended for such time as determined by the Court

1 but only until the minor ~~he or she~~ attains 18 years of age. No
2 disposition under this subsection shall provide for the
3 minor's placement in a secure facility.

4 (2) Any order of disposition may provide for protective
5 supervision under Section 4-22 and may include an order of
6 protection under Section 4-23.

7 (3) Unless the order of disposition expressly so provides,
8 it does not operate to close proceedings on the pending
9 petition, but is subject to modification until final closing
10 and discharge of the proceedings under Section 4-29.

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

21 (5) Any order for disposition where the minor is placed in
22 accordance with Section 4-25 shall provide for the parents or
23 guardian of the estate of such minor to pay to the legal
24 custodian or guardian of the person of the minor such sums as
25 are determined by the custodian or guardian of the person of
26 the minor as necessary for the minor's needs. Such payments

1 may not exceed the maximum amounts provided for by Section 9.1
2 of the Children and Family Services Act.

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

8 (7) The court must impose upon a minor under an order of
9 continuance under supervision or an order of disposition under
10 this Article IV, as a condition of the order, a fee of \$25 for
11 each month or partial month of supervision with a probation
12 officer. If the court determines the inability of the minor,
13 or the parent, guardian, or legal custodian of the minor to pay
14 the fee, the court may impose a lesser fee. The court may not
15 impose the fee on a minor who is placed in the guardianship or
16 custody of the Department of Children and Family Services
17 under this Act. The fee may be imposed only upon a minor who is
18 actively supervised by the probation and court services
19 department. The fee must be collected by the clerk of the
20 circuit court. The clerk of the circuit court must pay all
21 monies collected from this fee to the county treasurer for
22 deposit into the probation and court services fund under
23 Section 15.1 of the Probation and Probation Officers Act.

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

25 (705 ILCS 405/4-22) (from Ch. 37, par. 804-22)

1 Sec. 4-22. Protective supervision. If the order of
2 disposition releases the minor to the custody of the minor's
3 ~~his~~ parents, guardian or legal custodian, or continues the
4 minor ~~him~~ in such custody, the court may place the person
5 having custody of the minor, except for representatives of
6 private or public agencies or governmental departments, under
7 supervision of the probation office. Rules or orders of the
8 court shall define the terms and conditions of protective
9 supervision, which may be modified or terminated when the
10 court finds that the best interests of the minor and the public
11 will be served thereby.

12 (Source: P.A. 85-601.)

13 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

14 Sec. 4-23. Order of protection.

15 (1) The court may make an order of protection in
16 assistance of or as a condition of any other order authorized
17 by this Act. The order of protection may set forth reasonable
18 conditions of behavior to be observed for a specified period.
19 Such an order may require a person:

20 (a) To stay away from the home or the minor;

21 (b) To permit a parent to visit the minor at stated
22 periods;

23 (c) To abstain from offensive conduct against the
24 minor, the minor's ~~his~~ parent or any person to whom
25 custody of the minor is awarded;

1 (d) To give proper attention to the care of the home;

2 (e) To cooperate in good faith with an agency to which
3 custody of a minor is entrusted by the court or with an
4 agency or association to which the minor is referred by
5 the court;

6 (f) To prohibit and prevent any contact whatsoever
7 with the respondent minor by a specified individual or
8 individuals who are alleged in either a criminal or
9 juvenile proceeding to have caused injury to a respondent
10 minor or a sibling of a respondent minor;

11 (g) To refrain from acts of commission or omission
12 that tend to make the home not a proper place for the
13 minor.

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 best interests of
15 the minor and the public will be served thereby.

16 (5) An order of protection may be sought at any time during
17 the course of any proceeding conducted pursuant to this Act.
18 Any person against whom an order of protection is sought may
19 retain counsel to represent the person ~~him~~ at a hearing, and
20 has rights to be present at the hearing, to be informed prior
21 to the hearing in writing of the contents of the petition
22 seeking a protective order and of the date, place and time of
23 such hearing, and to cross examine witnesses called by the
24 petitioner and to present witnesses and argument in opposition
25 to the relief sought in the petition.

26 (6) Diligent efforts shall be made by the petitioner to

1 serve any person or persons against whom any order of
2 protection is sought with written notice of the contents of
3 the petition seeking a protective order and of the date, place
4 and time at which the hearing on the petition is to be held.
5 When a protective order is being sought in conjunction with a
6 shelter care hearing, if the court finds that the person
7 against whom the protective order is being sought has been
8 notified of the hearing or that diligent efforts have been
9 made to notify such person, the court may conduct a hearing. If
10 a protective order is sought at any time other than in
11 conjunction with a shelter care hearing, the court may not
12 conduct a hearing on the petition in the absence of the person
13 against whom the order is sought unless the petitioner has
14 notified such person by personal service at least 3 days
15 before the hearing or has sent written notice by first class
16 mail to such person's last known address at least 5 days before
17 the hearing.

18 (7) A person against whom an order of protection is being
19 sought who is neither a parent, guardian, legal custodian or
20 responsible relative as described in Section 1-5 is not a
21 party or respondent as defined in that Section and shall not be
22 entitled to the rights provided therein. Such person does not
23 have a right to appointed counsel or to be present at any
24 hearing other than the hearing in which the order of
25 protection is being sought or a hearing directly pertaining to
26 that order. Unless the court orders otherwise, such person

1 does not have a right to inspect the court file.

2 (8) All protective orders entered under this Section shall
3 be in writing. Unless the person against whom the order was
4 obtained was present in court when the order was issued, the
5 sheriff, other law enforcement official or special process
6 server shall promptly serve that order upon that person and
7 file proof of such service, in the manner provided for service
8 of process in civil proceedings. The person against whom the
9 protective order was obtained may seek a modification of the
10 order by filing a written motion to modify the order within 7
11 days after actual receipt by the person of a copy of the order.
12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (705 ILCS 405/4-24) (from Ch. 37, par. 804-24)

14 Sec. 4-24. Enforcement of orders of protective supervision
15 or of protection. (1) Orders of protective supervision and
16 orders of protection may be enforced by citation to show cause
17 for contempt of court by reason of any violation thereof and,
18 where protection of the welfare of the minor so requires, by
19 the issuance of a warrant to take the alleged violator into
20 custody and bring the minor ~~him~~ before the court.

21 (2) In any case where an order of protection has been
22 entered, the clerk of the court may issue to the petitioner, to
23 the minor or to any other person affected by the order a
24 certificate stating that an order of protection has been made
25 by the court concerning such persons and setting forth its

1 terms and requirements. The presentation of the certificate to
2 any peace officer authorizes the peace officer ~~him~~ to take
3 into custody a person charged with violating the terms of the
4 order of protection, to bring such person before the court
5 and, within the limits of the peace officer's ~~his~~ legal
6 authority ~~as such peace officer~~, otherwise to aid in securing
7 the protection the order is intended to afford.

8 (Source: P.A. 85-601.)

9 (705 ILCS 405/4-25) (from Ch. 37, par. 804-25)

10 Sec. 4-25. Placement; legal custody or guardianship.

11 (1) If the court finds that the parents, guardian or legal
12 custodian of a minor adjudged a ward of the court are unfit or
13 are unable, for some reason other than financial circumstances
14 alone, to care for, protect, train or discipline the minor or
15 are unwilling to do so, and that appropriate services aimed at
16 family preservation and family reunification have been
17 unsuccessful in rectifying the conditions which have led to a
18 finding of unfitness or inability to care for, protect, train
19 or discipline the minor, and that it is in the best interest of
20 the minor to take the minor ~~him~~ from the custody of the minor's
21 ~~his~~ parents, guardian or custodian, the court may:

22 (a) place the minor ~~him~~ in the custody of a suitable
23 relative or other person;

24 (b) place the minor ~~him~~ under the guardianship of a
25 probation officer;

1 (c) commit the minor ~~him~~ to an agency for care or
2 placement, except an institution under the authority of
3 the Department of Corrections or of the Department of
4 Children and Family Services;

5 (d) commit the minor ~~him~~ to some licensed training
6 school or industrial school; or

7 (e) commit the minor ~~him~~ to any appropriate
8 institution having among its purposes the care of
9 delinquent children, including a child protective facility
10 maintained by a Child Protection District serving the
11 county from which commitment is made, but not including
12 any institution under the authority of the Department of
13 Corrections or of the Department of Children and Family
14 Services.

15 (2) When making such placement, the court, wherever
16 possible, shall select a person holding the same religious
17 belief as that of the minor or a private agency controlled by
18 persons of like religious faith of the minor and shall require
19 the Department of Children and Family Services to otherwise
20 comply with Section 7 of the Children and Family Services Act
21 in placing the child. In addition, whenever alternative plans
22 for placement are available, the court shall ascertain and
23 consider, to the extent appropriate in the particular case,
24 the views and preferences of the minor.

25 (3) When a minor is placed with a suitable relative or
26 other person, the court shall appoint the suitable relative or

1 other person ~~him~~ the legal custodian or guardian of the person
2 of the minor. When a minor is committed to any agency, the
3 court shall appoint the proper officer or representative
4 thereof as legal custodian or guardian of the person of the
5 minor. Legal custodians and guardians of the person of the
6 minor have the respective rights and duties set forth in
7 subsection (9) of Section 1-3 except as otherwise provided by
8 order of the court; but no guardian of the person may consent
9 to adoption of the minor unless that authority is conferred
10 upon the guardian ~~him~~ in accordance with Section 4-27. An
11 agency whose representative is appointed guardian of the
12 person or legal custodian of the minor may place the minor ~~him~~
13 in any child care facility, but such facility must be licensed
14 under the Child Care Act of 1969 or have been approved by the
15 Department of Children and Family Services as meeting the
16 standards established for such licensing. After June 30, 1981,
17 no agency may place a minor, if the minor is under age 13, in a
18 child care facility unless such placement is in compliance
19 with the rules and regulations for placement under Section
20 4-25 of this Act promulgated by the Department of Children and
21 Family Services under Section 5 of the Children and Family
22 Services Act. Like authority and restrictions shall be
23 conferred by the court upon any probation officer who has been
24 appointed guardian of the person of a minor.

25 (4) No placement by any probation officer or agency whose
26 representative is appointed guardian of the person or legal

1 custodian of a minor may be made in any out of State child care
2 facility unless it complies with the Interstate Compact on the
3 Placement of Children.

4 (5) The clerk of the court shall issue to the legal
5 custodian or guardian of the person a certified copy of the
6 order of the court, as proof of the legal custodian's or
7 guardian's ~~his~~ authority. No other process is necessary as
8 authority for the keeping of the minor.

9 (6) Custody or guardianship granted under this Section
10 continues until the court otherwise directs, but not after the
11 minor reaches the age of 19 years except as set forth in
12 Section 4-29.

13 (Source: P.A. 89-422.)

14 (705 ILCS 405/4-26) (from Ch. 37, par. 804-26)

15 Sec. 4-26. Court Review. (1) The court may require any
16 legal custodian or guardian of the person appointed under this
17 Act to report periodically to the court or may cite the legal
18 custodian or guardian ~~him~~ into court and require the legal
19 custodian or guardian ~~him~~ or the legal custodian's or
20 guardian's ~~his~~ agency, to make a full and accurate report of
21 the ~~his or its~~ doings of the legal custodian, guardian, or
22 agency on ~~in~~ behalf of the minor. The custodian or guardian,
23 within 10 days after such citation, shall make the report,
24 either in writing verified by affidavit or orally under oath
25 in open court, or otherwise as the court directs. Upon the

1 hearing of the report the court may remove the custodian or
2 guardian and appoint another in the legal custodian's or
3 guardian's ~~his~~ stead or restore the minor to the custody of the
4 minor's ~~his~~ parents or former guardian or custodian.

5 (2) A guardian or custodian appointed by the court
6 pursuant to this Act shall file updated case plans with the
7 court every 6 months. Every agency which has guardianship of a
8 child shall file a supplemental petition for court review, or
9 review by an administrative body appointed or approved by the
10 court and further order within 18 months of dispositional
11 order and each 18 months thereafter. Such petition shall state
12 facts relative to the child's present condition of physical,
13 mental and emotional health as well as facts relative to the
14 child's ~~his~~ present custodial or foster care. The petition
15 shall be set for hearing and the clerk shall mail 10 days
16 notice of the hearing by certified mail, return receipt
17 requested, to the person or agency having the physical custody
18 of the child, the minor and other interested parties unless a
19 written waiver of notice is filed with the petition.

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

23 (3) The minor or any person interested in the minor may
24 apply to the court for a change in custody of the minor and the
25 appointment of a new custodian or guardian of the person or for
26 the restoration of the minor to the custody of the minor's ~~his~~

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

10 (Source: P.A. 85-601.)

11 (705 ILCS 405/4-27) (from Ch. 37, par. 804-27)

12 Sec. 4-27. Adoption; appointment of guardian with power to
13 consent. (1) A ward of the court under this Act, with the
14 consent of the court, may be the subject of a petition for
15 adoption under the Adoption Act ~~"An Act in relation to the~~
16 ~~adoption of persons, and to repeal an Act therein named",~~
17 ~~approved July 17, 1959, as amended,~~ or with like consent the
18 minor's ~~his or her~~ parent or parents may, in the manner
19 required by such Act, surrender the minor ~~him or her~~ for
20 adoption to an agency legally authorized or licensed to place
21 children for adoption.

22 (2) If the petition prays and the court finds that it is in
23 the best interests of the minor that a guardian of the person
24 be appointed and authorized to consent to the adoption of the
25 minor, the court with the consent of the parents, if living, or

1 after finding, based upon clear and convincing evidence, that
2 a non-consenting parent is an unfit person as defined in
3 Section 1 of the Adoption Act ~~"An Act in relation to the~~
4 ~~adoption of persons, and to repeal an Act therein named",~~
5 ~~approved July 17, 1959, as amended,~~ may empower the guardian
6 of the person of the minor, in the order appointing the person
7 ~~him or her~~ as such guardian, to appear in court where any
8 proceedings for the adoption of the minor may at any time be
9 pending and to consent to the adoption. Such consent is
10 sufficient to authorize the court in the adoption proceedings
11 to enter a proper order or judgment of adoption without
12 further notice to, or consent by, the parents of the minor. An
13 order so empowering the guardian to consent to adoption
14 terminates parental rights, deprives the parents of the minor
15 of all legal rights as respects the minor and relieves them of
16 all parental responsibility for the minor ~~him or her~~, and
17 frees the minor from all obligations of maintenance and
18 obedience to the minor's ~~his or her~~ natural parents.

19 If the minor is over 14 years of age, the court may, in its
20 discretion, consider the wishes of the minor in determining
21 whether the best interests of the minor would be promoted by
22 the finding of the unfitness of a non-consenting parent.

23 (3) Parental consent to the order authorizing the guardian
24 of the person to consent to adoption of the Minor shall be
25 given in open court whenever possible and otherwise must be in
26 writing and signed in the form provided in the Adoption Act ~~"An~~

1 ~~Act in relation to the adoption of persons, and to repeal an~~
2 ~~Act therein named", approved July 17, 1959, as amended, but no~~
3 names of petitioners for adoption need be included. A finding
4 of the unfitness of a nonconsenting parent must be made in
5 compliance with that Act and be based upon clear and
6 convincing evidence. Provisions of that Act relating to minor
7 parents and to mentally ill or mentally deficient parents
8 apply to proceedings under this Section and shall be based
9 upon clear and convincing evidence.

10 (Source: P.A. 85-601.)

11 (705 ILCS 405/4-29) (from Ch. 37, par. 804-29)

12 Sec. 4-29. Duration of wardship and discharge of
13 proceedings.

14 (1) All proceedings under this Act in respect to any minor
15 for whom a petition was filed after the effective date of this
16 amendatory Act of 1991 automatically terminate upon the minor
17 ~~his~~ attaining the age of 19 years, except that a court may
18 continue the wardship of a minor until age 21 for good cause
19 when there is satisfactory evidence presented to the court
20 that the best interest of the minor and the public require the
21 continuation of the wardship.

22 (2) Whenever the court finds that the best interests of
23 the minor and the public no longer require the wardship of the
24 court, the court shall order the wardship terminated and all
25 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 such termination must be made in compliance with
4 Section 4-26.

5 (3) The wardship of the minor and any custodianship or
6 guardianship respecting of the minor for whom a petition was
7 filed after the effective date of this amendatory Act of 1991
8 automatically terminates when the minor ~~he~~ attains the age of
9 19 years except as set forth in subsection (1) of this Section.
10 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.

13 (Source: P.A. 87-14.)

14 (705 ILCS 405/5-101)

15 Sec. 5-101. Purpose and policy.

16 (1) It is the intent of the General Assembly to promote a
17 juvenile justice system capable of dealing with the problem of
18 juvenile delinquency, a system that will protect the
19 community, impose accountability for violations of law and
20 equip juvenile offenders with competencies to live responsibly
21 and productively. To effectuate this intent, the General
22 Assembly declares the following to be important purposes of
23 this Article:

24 (a) To protect citizens from juvenile crime.

25 (b) To hold each juvenile offender directly

1 accountable for the juvenile's ~~his or her~~ acts.

2 (c) To provide an individualized assessment of each
3 alleged and adjudicated delinquent juvenile, in order to
4 rehabilitate and to prevent further delinquent behavior
5 through the development of competency in the juvenile
6 offender. As used in this Section, "competency" means the
7 development of educational, vocational, social, emotional
8 and basic life skills which enable a minor to mature into a
9 productive member of society.

10 (d) To provide due process, as required by the
11 Constitutions of the United States and the State of
12 Illinois, through which each juvenile offender and all
13 other interested parties are assured fair hearings at
14 which legal rights are recognized and enforced.

15 (2) To accomplish these goals, juvenile justice policies
16 developed pursuant to this Article shall be designed to:

17 (a) Promote the development and implementation of
18 community-based programs designed to prevent unlawful and
19 delinquent behavior and to effectively minimize the depth
20 and duration of the minor's involvement in the juvenile
21 justice system;

22 (b) Provide secure confinement for minors who present
23 a danger to the community and make those minors understand
24 that sanctions for serious crimes, particularly violent
25 felonies, should be commensurate with the seriousness of
26 the offense and merit strong punishment;

1 (c) Protect the community from crimes committed by
2 minors;

3 (d) Provide programs and services that are
4 community-based and that are in close proximity to the
5 minor's home;

6 (e) Allow minors to reside within their homes whenever
7 possible and appropriate and provide support necessary to
8 make this possible;

9 (f) Base probation treatment planning upon individual
10 case management plans;

11 (g) Include the minor's family in the case management
12 plan;

13 (h) Provide supervision and service coordination where
14 appropriate; implement and monitor the case management
15 plan in order to discourage recidivism;

16 (i) Provide post-release services to minors who are
17 returned to their families and communities after
18 detention;

19 (j) Hold minors accountable for their unlawful
20 behavior and not allow minors to think that their
21 delinquent acts have no consequence for themselves and
22 others.

23 (3) In all procedures under this Article, minors shall
24 have all the procedural rights of adults in criminal
25 proceedings, unless specifically precluded by laws that
26 enhance the protection of such minors. Minors shall not have

1 the right to a jury trial unless specifically provided by this
2 Article.

3 (Source: P.A. 90-590, eff. 1-1-99.)

4 (705 ILCS 405/5-105)

5 Sec. 5-105. Definitions. As used in this Article:

6 (1) "Aftercare release" means the conditional and
7 revocable release of an adjudicated delinquent juvenile
8 committed to the Department of Juvenile Justice under the
9 supervision of the Department of Juvenile Justice.

10 (1.5) "Court" means the circuit court in a session or
11 division assigned to hear proceedings under this Act, and
12 includes the term Juvenile Court.

13 (2) "Community service" means uncompensated labor for
14 a community service agency as hereinafter defined.

15 (2.5) "Community service agency" means a
16 not-for-profit organization, community organization,
17 church, charitable organization, individual, public
18 office, or other public body whose purpose is to enhance
19 the physical or mental health of a delinquent minor or to
20 rehabilitate the minor, or to improve the environmental
21 quality or social welfare of the community which agrees to
22 accept community service from juvenile delinquents and to
23 report on the progress of the community service to the
24 State's Attorney pursuant to an agreement or to the court
25 or to any agency designated by the court or to the

1 authorized diversion program that has referred the
2 delinquent minor for community service.

3 (3) "Delinquent minor" means any minor who prior to
4 the minor's ~~his or her~~ 18th birthday has violated or
5 attempted to violate, regardless of where the act
6 occurred, any federal, State, county or municipal law or
7 ordinance.

8 (4) "Department" means the Department of Human
9 Services unless specifically referenced as another
10 department.

11 (5) "Detention" means the temporary care of a minor
12 who is alleged to be or has been adjudicated delinquent
13 and who requires secure custody for the minor's own
14 protection or the community's protection in a facility
15 designed to physically restrict the minor's movements,
16 pending disposition by the court or execution of an order
17 of the court for placement or commitment. Design features
18 that physically restrict movement include, but are not
19 limited to, locked rooms and the secure handcuffing of a
20 minor to a rail or other stationary object. In addition,
21 "detention" includes the court ordered care of an alleged
22 or adjudicated delinquent minor who requires secure
23 custody pursuant to Section 5-125 of this Act.

24 (6) "Diversion" means the referral of a juvenile,
25 without court intervention, into a program that provides
26 services designed to educate the juvenile and develop a

1 productive and responsible approach to living in the
2 community.

3 (7) "Juvenile detention home" means a public facility
4 with specially trained staff that conforms to the county
5 juvenile detention standards adopted by the Department of
6 Juvenile Justice.

7 (8) "Juvenile justice continuum" means a set of
8 delinquency prevention programs and services designed for
9 the purpose of preventing or reducing delinquent acts,
10 including criminal activity by youth gangs, as well as
11 intervention, rehabilitation, and prevention services
12 targeted at minors who have committed delinquent acts, and
13 minors who have previously been committed to residential
14 treatment programs for delinquents. The term includes
15 children-in-need-of-services and
16 families-in-need-of-services programs; aftercare and
17 reentry services; substance abuse and mental health
18 programs; community service programs; community service
19 work programs; and alternative-dispute resolution programs
20 serving youth-at-risk of delinquency and their families,
21 whether offered or delivered by State or local
22 governmental entities, public or private for-profit or
23 not-for-profit organizations, or religious or charitable
24 organizations. This term would also encompass any program
25 or service consistent with the purpose of those programs
26 and services enumerated in this subsection.

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

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

12 (11) "Non-secure custody" means confinement where the
13 minor is not physically restricted by being placed in a
14 locked cell or room, by being handcuffed to a rail or other
15 stationary object, or by other means. Non-secure custody
16 may include, but is not limited to, electronic monitoring,
17 foster home placement, home confinement, group home
18 placement, or physical restriction of movement or activity
19 solely through facility staff.

20 (12) "Public or community service" means uncompensated
21 labor for a not-for-profit organization or public body
22 whose purpose is to enhance physical or mental stability
23 of the offender, environmental quality or the social
24 welfare and which agrees to accept public or community
25 service from offenders and to report on the progress of
26 the offender and the public or community service to the

1 court or to the authorized diversion program that has
2 referred the offender for public or community service.
3 "Public or community service" does not include blood
4 donation or assignment to labor at a blood bank. For the
5 purposes of this Act, "blood bank" has the meaning
6 ascribed to the term in Section 2-124 of the Illinois
7 Clinical Laboratory and Blood Bank Act.

8 (13) "Sentencing hearing" means a hearing to determine
9 whether a minor should be adjudged a ward of the court, and
10 to determine what sentence should be imposed on the minor.
11 It is the intent of the General Assembly that the term
12 "sentencing hearing" replace the term "dispositional
13 hearing" and be synonymous with that definition as it was
14 used in the Juvenile Court Act of 1987.

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

18 (15) "Site" means a not-for-profit organization,
19 public body, church, charitable organization, or
20 individual agreeing to accept community service from
21 offenders and to report on the progress of ordered or
22 required public or community service to the court or to
23 the authorized diversion program that has referred the
24 offender for public or community service.

25 (16) "Station adjustment" means the informal or formal
26 handling of an alleged offender by a juvenile police

1 officer.

2 (17) "Trial" means a hearing to determine whether the
3 allegations of a petition under Section 5-520 that a minor
4 is delinquent are proved beyond a reasonable doubt. It is
5 the intent of the General Assembly that the term "trial"
6 replace the term "adjudicatory hearing" and be synonymous
7 with that definition as it was used in the Juvenile Court
8 Act of 1987.

9 The changes made to this Section by Public Act 98-61 apply
10 to violations or attempted violations committed on or after
11 January 1, 2014 (the effective date of Public Act 98-61).

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

13 (705 ILCS 405/5-110)

14 Sec. 5-110. Parental responsibility. This Article
15 recognizes the critical role families play in the
16 rehabilitation of delinquent juveniles. Parents, guardians and
17 legal custodians shall participate in the assessment and
18 treatment of juveniles by assisting the juvenile to recognize
19 and accept responsibility for the juvenile's ~~his or her~~
20 delinquent behavior. The Court may order the parents, guardian
21 or legal custodian to take certain actions or to refrain from
22 certain actions to serve public safety, to develop competency
23 of the minor, and to promote accountability by the minor for
24 the minor's ~~his or her~~ actions.

25 (Source: P.A. 90-590, eff. 1-1-99.)

1 (705 ILCS 405/5-120)

2 Sec. 5-120. Exclusive jurisdiction. Proceedings may be
3 instituted under the provisions of this Article concerning any
4 minor who prior to the minor's ~~his or her~~ 18th birthday has
5 violated or attempted to violate, regardless of where the act
6 occurred, any federal, State, county or municipal law or
7 ordinance. Except as provided in Sections 5-125, 5-130, 5-805,
8 and 5-810 of this Article, no minor who was under 18 years of
9 age at the time of the alleged offense may be prosecuted under
10 the criminal laws of this State.

11 The changes made to this Section by this amendatory Act of
12 the 98th General Assembly apply to violations or attempted
13 violations committed on or after the effective date of this
14 amendatory Act.

15 (Source: P.A. 98-61, eff. 1-1-14.)

16 (705 ILCS 405/5-130)

17 Sec. 5-130. Excluded jurisdiction.

18 (1)(a) The definition of delinquent minor under Section
19 5-120 of this Article shall not apply to any minor who at the
20 time of an offense was at least 16 years of age and who is
21 charged with: (i) first degree murder, (ii) aggravated
22 criminal sexual assault, or (iii) aggravated battery with a
23 firearm as described in Section 12-4.2 or subdivision (e)(1),
24 (e)(2), (e)(3), or (e)(4) of Section 12-3.05 where the minor

1 personally discharged a firearm as defined in Section 2-15.5
2 of the Criminal Code of 1961 or the Criminal Code of 2012.

3 These charges and all other charges arising out of the
4 same incident shall be prosecuted under the criminal laws of
5 this State.

6 (b) (i) If before trial or plea an information or
7 indictment is filed that does not charge an offense specified
8 in paragraph (a) of this subsection (1) the State's Attorney
9 may proceed on any lesser charge or charges, but only in
10 Juvenile Court under the provisions of this Article. The
11 State's Attorney may proceed on a lesser charge if before
12 trial the minor defendant knowingly and with advice of counsel
13 waives, in writing, the minor's ~~his or her~~ right to have the
14 matter proceed in Juvenile Court.

15 (ii) If before trial or plea an information or indictment
16 is filed that includes one or more charges specified in
17 paragraph (a) of this subsection (1) and additional charges
18 that are not specified in that paragraph, all of the charges
19 arising out of the same incident shall be prosecuted under the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 (c) (i) If after trial or plea the minor is convicted of any
22 offense covered by paragraph (a) of this subsection (1), then,
23 in sentencing the minor, the court shall sentence the minor
24 under Section 5-4.5-105 of the Unified Code of Corrections.

25 (ii) If after trial or plea the court finds that the minor
26 committed an offense not covered by paragraph (a) of this

1 subsection (1), that finding shall not invalidate the verdict
2 or the prosecution of the minor under the criminal laws of the
3 State; however, unless the State requests a hearing for the
4 purpose of sentencing the minor under Chapter V of the Unified
5 Code of Corrections, the Court must proceed under Sections
6 5-705 and 5-710 of this Article. To request a hearing, the
7 State must file a written motion within 10 days following the
8 entry of a finding or the return of a verdict. Reasonable
9 notice of the motion shall be given to the minor or the minor's
10 ~~his or her~~ counsel. If the motion is made by the State, the
11 court shall conduct a hearing to determine if the minor should
12 be sentenced under Chapter V of the Unified Code of
13 Corrections. In making its determination, the court shall
14 consider among other matters: (a) whether there is evidence
15 that the offense was committed in an aggressive and
16 premeditated manner; (b) the age of the minor; (c) the
17 previous history of the minor; (d) whether there are
18 facilities particularly available to the Juvenile Court or the
19 Department of Juvenile Justice for the treatment and
20 rehabilitation of the minor; (e) whether the security of the
21 public requires sentencing under Chapter V of the Unified Code
22 of Corrections; and (f) whether the minor possessed a deadly
23 weapon when committing the offense. The rules of evidence
24 shall be the same as if at trial. If after the hearing the
25 court finds that the minor should be sentenced under Chapter V
26 of the Unified Code of Corrections, then the court shall

1 sentence the minor under Section 5-4.5-105 of the Unified Code
2 of Corrections.

3 (2) (Blank).

4 (3) (Blank).

5 (4) (Blank).

6 (5) (Blank).

7 (6) (Blank).

8 (7) The procedures set out in this Article for the
9 investigation, arrest and prosecution of juvenile offenders
10 shall not apply to minors who are excluded from jurisdiction
11 of the Juvenile Court, except that minors under 18 years of age
12 shall be kept separate from confined adults.

13 (8) Nothing in this Act prohibits or limits the
14 prosecution of any minor for an offense committed on or after
15 the minor's ~~his or her~~ 18th birthday even though the minor ~~he~~
16 ~~or she~~ is at the time of the offense a ward of the court.

17 (9) If an original petition for adjudication of wardship
18 alleges the commission by a minor 13 years of age or over of an
19 act that constitutes a crime under the laws of this State, the
20 minor, with the consent of the minor's ~~his or her~~ counsel, may,
21 at any time before commencement of the adjudicatory hearing,
22 file with the court a motion that criminal prosecution be
23 ordered and that the petition be dismissed insofar as the act
24 or acts involved in the criminal proceedings are concerned. If
25 such a motion is filed as herein provided, the court shall
26 enter its order accordingly.

1 (10) If, prior to August 12, 2005 (the effective date of
2 Public Act 94-574), a minor is charged with a violation of
3 Section 401 of the Illinois Controlled Substances Act under
4 the criminal laws of this State, other than a minor charged
5 with a Class X felony violation of the Illinois Controlled
6 Substances Act or the Methamphetamine Control and Community
7 Protection Act, any party including the minor or the court sua
8 sponte may, before trial, move for a hearing for the purpose of
9 trying and sentencing the minor as a delinquent minor. To
10 request a hearing, the party must file a motion prior to trial.
11 Reasonable notice of the motion shall be given to all parties.
12 On its own motion or upon the filing of a motion by one of the
13 parties including the minor, the court shall conduct a hearing
14 to determine whether the minor should be tried and sentenced
15 as a delinquent minor under this Article. In making its
16 determination, the court shall consider among other matters:

17 (a) The age of the minor;

18 (b) Any previous delinquent or criminal history of the
19 minor;

20 (c) Any previous abuse or neglect history of the
21 minor;

22 (d) Any mental health or educational history of the
23 minor, or both; and

24 (e) Whether there is probable cause to support the
25 charge, whether the minor is charged through
26 accountability, and whether there is evidence the minor

1 possessed a deadly weapon or caused serious bodily harm
2 during the offense.

3 Any material that is relevant and reliable shall be
4 admissible at the hearing. In all cases, the judge shall enter
5 an order permitting prosecution under the criminal laws of
6 Illinois unless the judge makes a finding based on a
7 preponderance of the evidence that the minor would be amenable
8 to the care, treatment, and training programs available
9 through the facilities of the juvenile court based on an
10 evaluation of the factors listed in this subsection (10).

11 (11) 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. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14;
16 99-258, eff. 1-1-16.)

17 (705 ILCS 405/5-145)

18 Sec. 5-145. Cooperation of agencies; Serious Habitual
19 Offender Comprehensive Action Program.

20 (a) The Serious Habitual Offender Comprehensive Action
21 Program (SHOCAP) is a multi-disciplinary interagency case
22 management and information sharing system that enables the
23 juvenile justice system, schools, and social service agencies
24 to make more informed decisions regarding a small number of
25 juveniles who repeatedly commit serious delinquent acts.

1 (b) Each county in the State of Illinois, other than Cook
2 County, may establish a multi-disciplinary agency (SHOCAP)
3 committee. In Cook County, each subcircuit or group of
4 subcircuits may establish a multi-disciplinary agency (SHOCAP)
5 committee. The committee shall consist of representatives from
6 the following agencies: local law enforcement, area school
7 district, state's attorney's office, and court services
8 (probation).

9 The chairperson ~~chairman~~ may appoint additional members to
10 the committee as deemed appropriate to accomplish the goals of
11 this program, including, but not limited to, representatives
12 from the juvenile detention center, mental health, the
13 Illinois Department of Children and Family Services,
14 Department of Human Services and community representatives at
15 large.

16 (c) The SHOCAP committee shall adopt, by a majority of the
17 members:

18 (1) criteria that will identify those who qualify as a
19 serious habitual juvenile offender; and

20 (2) a written interagency information sharing
21 agreement to be signed by the chief executive officer of
22 each of the agencies represented on the committee. The
23 interagency information sharing agreement shall include a
24 provision that requires that all records pertaining to a
25 serious habitual offender (SHO) shall be confidential.
26 Disclosure of information may be made to other staff from

1 member agencies as authorized by the SHOCAP committee for
2 the furtherance of case management and tracking of the
3 SHO. Staff from the member agencies who receive this
4 information shall be governed by the confidentiality
5 provisions of this Act. The staff from the member agencies
6 who will qualify to have access to the SHOCAP information
7 must be limited to those individuals who provide direct
8 services to the SHO or who provide supervision of the SHO.

9 (d) The Chief Juvenile Circuit Judge, or the Chief Circuit
10 Judge, or the his or her designee of the Chief Juvenile Circuit
11 Judge or Chief Circuit Judge, may issue a comprehensive
12 information sharing court order. The court order shall allow
13 agencies who are represented on the SHOCAP committee and whose
14 chief executive officer has signed the interagency information
15 sharing agreement to provide and disclose information to the
16 SHOCAP committee. The sharing of information will ensure the
17 coordination and cooperation of all agencies represented in
18 providing case management and enhancing the effectiveness of
19 the SHOCAP efforts.

20 (e) Any person or agency who is participating in good
21 faith in the sharing of SHOCAP information under this Act
22 shall have immunity from any liability, civil, criminal, or
23 otherwise, that might result by reason of the type of
24 information exchanged. For the purpose of any proceedings,
25 civil or criminal, the good faith of any person or agency
26 permitted to share SHOCAP information under this Act shall be

1 presumed.

2 (f) All reports concerning SHOCAP clients made available
3 to members of the SHOCAP committee and all records generated
4 from these reports shall be confidential and shall not be
5 disclosed, except as specifically authorized by this Act or
6 other applicable law. It is a Class A misdemeanor to permit,
7 assist, or encourage the unauthorized release of any
8 information contained in SHOCAP reports or records.

9 (Source: P.A. 90-590, eff. 1-1-99.)

10 (705 ILCS 405/5-150)

11 Sec. 5-150. Admissibility of evidence and adjudications in
12 other proceedings.

13 (1) Evidence and adjudications in proceedings under this
14 Act shall be admissible:

15 (a) in subsequent proceedings under this Act
16 concerning the same minor; or

17 (b) in criminal proceedings when the court is to
18 determine the conditions of pretrial release, fitness of
19 the defendant or in sentencing under the Unified Code of
20 Corrections; or

21 (c) in proceedings under this Act or in criminal
22 proceedings in which anyone who has been adjudicated
23 delinquent under Section 5-105 is to be a witness
24 including the minor or defendant if the minor or defendant
25 ~~he or she~~ testifies, and then only for purposes of

1 impeachment and pursuant to the rules of evidence for
2 criminal trials; or

3 (d) in civil proceedings concerning causes of action
4 arising out of the incident or incidents which initially
5 gave rise to the proceedings under this Act.

6 (2) No adjudication or disposition under this Act shall
7 operate to disqualify a minor from subsequently holding public
8 office nor shall operate as a forfeiture of any right,
9 privilege or right to receive any license granted by public
10 authority.

11 (3) The court which adjudicated that a minor has committed
12 any offense relating to motor vehicles prescribed in Sections
13 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
14 Secretary of State of that adjudication and the notice shall
15 constitute sufficient grounds for revoking that minor's
16 driver's license or permit as provided in Section 6-205 of the
17 Illinois Vehicle Code; no minor shall be considered a criminal
18 by reason thereof, nor shall any such adjudication be
19 considered a conviction.

20 (Source: P.A. 101-652, eff. 1-1-23.)

21 (705 ILCS 405/5-155)

22 Sec. 5-155. Any weapon in possession of a minor found to be
23 a delinquent under Section 5-105 for an offense involving the
24 use of a weapon or for being in possession of a weapon during
25 the commission of an offense shall be confiscated and disposed

1 of by the juvenile court whether the weapon is the property of
2 the minor or the minor's ~~his or her~~ parent or guardian.
3 Disposition of the weapon by the court shall be in accordance
4 with Section 24-6 of the Criminal Code of 2012.

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

6 (705 ILCS 405/5-160)

7 Sec. 5-160. Liability for injury, loss, or tortious acts.
8 Neither the State or any unit of local government, probation
9 department, or public or community service program or site,
10 nor any official, volunteer, or employee of the State or a unit
11 of local government, probation department, public or community
12 service program or site acting in the course of performing ~~his~~
13 ~~or her~~ official duties shall be liable for any injury or loss a
14 person might receive while performing public or community
15 service as ordered either (1) by the court or (2) by any duly
16 authorized station adjustment or probation adjustment, teen
17 court, community mediation, or other administrative diversion
18 program authorized by this Act for a violation of a penal
19 statute of this State or a local government ordinance (whether
20 penal, civil, or quasi-criminal) or for a traffic offense, nor
21 shall they be liable for any tortious acts of any person
22 performing public or community service, except for willful
23 ~~willful~~, wanton misconduct or gross negligence on the part of
24 the governmental unit, probation department, or public or
25 community service program or site or on the part of the

1 official, volunteer, or employee.

2 (Source: P.A. 91-820, eff. 6-13-00; 92-16, eff. 6-28-01.)

3 (705 ILCS 405/5-170)

4 Sec. 5-170. Representation by counsel.

5 (a) In a proceeding under this Article, a minor who was
6 under 15 years of age at the time of the commission of an act
7 that if committed by an adult would be a violation of Section
8 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,
9 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
10 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
11 must be represented by counsel throughout the entire custodial
12 interrogation of the minor.

13 (b) In a judicial proceeding under this Article, a minor
14 may not waive the right to the assistance of counsel in the
15 minor's ~~his or her~~ defense.

16 (Source: P.A. 99-882, eff. 1-1-17.)

17 (705 ILCS 405/5-301)

18 Sec. 5-301. Station adjustments. A minor arrested for any
19 offense or a violation of a condition of previous station
20 adjustment may receive a station adjustment for that arrest as
21 provided herein. In deciding whether to impose a station
22 adjustment, either informal or formal, a juvenile police
23 officer shall consider the following factors:

24 (A) The seriousness of the alleged offense.

1 (B) The prior history of delinquency of the minor.

2 (C) The age of the minor.

3 (D) The culpability of the minor in committing the
4 alleged offense.

5 (E) Whether the offense was committed in an aggressive
6 or premeditated manner.

7 (F) Whether the minor used or possessed a deadly
8 weapon when committing the alleged offenses.

9 (1) Informal station adjustment.

10 (a) An informal station adjustment is defined as a
11 procedure when a juvenile police officer determines that
12 there is probable cause to believe that the minor has
13 committed an offense.

14 (b) A minor shall receive no more than 3 informal
15 station adjustments statewide for a misdemeanor offense
16 within 3 years without prior approval from the State's
17 Attorney's Office.

18 (c) A minor shall receive no more than 3 informal
19 station adjustments statewide for a felony offense within
20 3 years without prior approval from the State's Attorney's
21 Office.

22 (d) A minor shall receive a combined total of no more
23 than 5 informal station adjustments statewide during the
24 person's ~~his or her~~ minority.

25 (e) The juvenile police officer may make reasonable
26 conditions of an informal station adjustment which may

1 include but are not limited to:

2 (i) Curfew.

3 (ii) Conditions restricting entry into designated
4 geographical areas.

5 (iii) No contact with specified persons.

6 (iv) School attendance.

7 (v) Performing up to 25 hours of community service
8 work.

9 (vi) Community mediation.

10 (vii) Teen court or a peer court.

11 (viii) Restitution limited to 90 days.

12 (f) If the minor refuses or fails to abide by the
13 conditions of an informal station adjustment, the juvenile
14 police officer may impose a formal station adjustment or
15 refer the matter to the State's Attorney's Office.

16 (g) An informal station adjustment does not constitute
17 an adjudication of delinquency or a criminal conviction.
18 Beginning January 1, 2000, a record shall be maintained
19 with the Illinois State Police for informal station
20 adjustments for offenses that would be a felony if
21 committed by an adult, and may be maintained if the
22 offense would be a misdemeanor.

23 (2) Formal station adjustment.

24 (a) A formal station adjustment is defined as a
25 procedure when a juvenile police officer determines that
26 there is probable cause to believe the minor has committed

1 an offense and an admission by the minor of involvement in
2 the offense.

3 (b) The minor and parent, guardian, or legal custodian
4 must agree in writing to the formal station adjustment and
5 must be advised of the consequences of violation of any
6 term of the agreement.

7 (c) The minor and parent, guardian or legal custodian
8 shall be provided a copy of the signed agreement of the
9 formal station adjustment. The agreement shall include:

10 (i) The offense which formed the basis of the
11 formal station adjustment.

12 (ii) An acknowledgment that the terms of the
13 formal station adjustment and the consequences for
14 violation have been explained.

15 (iii) An acknowledgment that the formal station
16 adjustments record may be expunged under Section 5-915
17 of this Act.

18 (iv) An acknowledgment that the minor understands
19 that the minor's ~~his or her~~ admission of involvement
20 in the offense may be admitted into evidence in future
21 court hearings.

22 (v) A statement that all parties understand the
23 terms and conditions of formal station adjustment and
24 agree to the formal station adjustment process.

25 (d) Conditions of the formal station adjustment may
26 include, but are not limited to:

- 1 (i) The time shall not exceed 120 days.
- 2 (ii) The minor shall not violate any laws.
- 3 (iii) The juvenile police officer may require the
4 minor to comply with additional conditions for the
5 formal station adjustment which may include but are
6 not limited to:
- 7 (a) Attending school.
- 8 (b) Abiding by a set curfew.
- 9 (c) Payment of restitution.
- 10 (d) Refraining from possessing a firearm or
11 other weapon.
- 12 (e) Reporting to a police officer at
13 designated times and places, including reporting
14 and verification that the minor is at home at
15 designated hours.
- 16 (f) Performing up to 25 hours of community
17 service work.
- 18 (g) Refraining from entering designated
19 geographical areas.
- 20 (h) Participating in community mediation.
- 21 (i) Participating in teen court or peer court.
- 22 (j) Refraining from contact with specified
23 persons.
- 24 (e) A formal station adjustment does not constitute an
25 adjudication of delinquency or a criminal conviction.
26 Beginning January 1, 2000, a record shall be maintained

1 with the Illinois State Police for formal station
2 adjustments.

3 (f) A minor or the minor's parent, guardian, or legal
4 custodian, or both the minor and the minor's parent,
5 guardian, or legal custodian, may refuse a formal station
6 adjustment and have the matter referred for court action
7 or other appropriate action.

8 (g) A minor or the minor's parent, guardian, or legal
9 custodian, or both the minor and the minor's parent,
10 guardian, or legal custodian, may within 30 days of the
11 commencement of the formal station adjustment revoke their
12 consent and have the matter referred for court action or
13 other appropriate action. This revocation must be in
14 writing and personally served upon the police officer or
15 the police officer's ~~his or her~~ supervisor.

16 (h) The admission of the minor as to involvement in
17 the offense shall be admissible at further court hearings
18 as long as the statement would be admissible under the
19 rules of evidence.

20 (i) If the minor violates any term or condition of the
21 formal station adjustment the juvenile police officer
22 shall provide written notice of violation to the minor and
23 the minor's parent, guardian, or legal custodian. After
24 consultation with the minor and the minor's parent,
25 guardian, or legal custodian, the juvenile police officer
26 may take any of the following steps upon violation:

1 (i) Warn the minor of consequences of continued
2 violations and continue the formal station adjustment.

3 (ii) Extend the period of the formal station
4 adjustment up to a total of 180 days.

5 (iii) Extend the hours of community service work
6 up to a total of 40 hours.

7 (iv) Terminate the formal station adjustment
8 unsatisfactorily and take no other action.

9 (v) Terminate the formal station adjustment
10 unsatisfactorily and refer the matter to the juvenile
11 court.

12 (j) A minor shall receive no more than 2 formal
13 station adjustments statewide for a felony offense without
14 the State's Attorney's approval within a 3 year period.

15 (k) A minor shall receive no more than 3 formal
16 station adjustments statewide for a misdemeanor offense
17 without the State's Attorney's approval within a 3 year
18 period.

19 (l) The total for formal station adjustments statewide
20 within the period of minority may not exceed 4 without the
21 State's Attorney's approval.

22 (m) If the minor is arrested in a jurisdiction where
23 the minor does not reside, the formal station adjustment
24 may be transferred to the jurisdiction where the minor
25 does reside upon written agreement of that jurisdiction to
26 monitor the formal station adjustment.

1 (3) Beginning January 1, 2000, the juvenile police officer
2 making a station adjustment shall assure that information
3 about any offense which would constitute a felony if committed
4 by an adult and may assure that information about a
5 misdemeanor is transmitted to the Illinois State Police.

6 (4) The total number of station adjustments, both formal
7 and informal, shall not exceed 9 without the State's
8 Attorney's approval for any minor arrested anywhere in the
9 State.

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

11 (705 ILCS 405/5-305)

12 Sec. 5-305. Probation adjustment.

13 (1) The court may authorize the probation officer to
14 confer in a preliminary conference with a minor who is alleged
15 to have committed an offense, the minor's ~~his or her~~ parent,
16 guardian or legal custodian, the victim, the juvenile police
17 officer, the State's Attorney, and other interested persons
18 concerning the advisability of filing a petition under Section
19 5-520, with a view to adjusting suitable cases without the
20 filing of a petition as provided for in this Article, the
21 probation officer should schedule a conference promptly except
22 when the State's Attorney insists on court action or when the
23 minor has indicated that the minor ~~he or she~~ will demand a
24 judicial hearing and will not comply with a probation
25 adjustment.

1 (1-b) In any case of a minor who is in custody, the holding
2 of a probation adjustment conference does not operate to
3 prolong temporary custody beyond the period permitted by
4 Section 5-415.

5 (2) This Section does not authorize any probation officer
6 to compel any person to appear at any conference, produce any
7 papers, or visit any place.

8 (3) No statement made during a preliminary conference in
9 regard to the offense that is the subject of the conference may
10 be admitted into evidence at an adjudicatory hearing or at any
11 proceeding against the minor under the criminal laws of this
12 State prior to the minor's ~~his or her~~ conviction under those
13 laws.

14 (4) When a probation adjustment is appropriate, the
15 probation officer shall promptly formulate a written,
16 non-judicial adjustment plan following the initial conference.

17 (5) Non-judicial probation adjustment plans include but
18 are not limited to the following:

19 (a) up to 6 months informal supervision within the
20 family;

21 (b) up to 12 months informal supervision with a
22 probation officer involved which may include any
23 conditions of probation provided in Section 5-715;

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;

3 (f) participation in a public or community service
4 program or activity; and

5 (g) any other appropriate action with the consent of
6 the minor and a parent.

7 (6) The factors to be considered by the probation officer
8 in formulating a non-judicial probation adjustment plan shall
9 be the same as those limited in subsection (4) of Section
10 5-405.

11 (7) Beginning January 1, 2000, the probation officer who
12 imposes a probation adjustment plan shall assure that
13 information about an offense which would constitute a felony
14 if committed by an adult, and may assure that information
15 about a misdemeanor offense, is transmitted to the Illinois
16 State Police.

17 (8) If the minor fails to comply with any term or condition
18 of the non-judicial probation adjustment, the matter shall be
19 referred to the State's Attorney for determination of whether
20 a petition under this Article shall be filed.

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

22 (705 ILCS 405/5-310)

23 Sec. 5-310. Community mediation program.

24 (1) Program purpose. The purpose of community mediation is
25 to provide a system by which minors who commit delinquent acts

1 may be dealt with in a speedy and informal manner at the
2 community or neighborhood level. The goal is to make the
3 juvenile understand the seriousness of the juvenile's ~~his or~~
4 ~~her~~ actions and the effect that a crime has on the minor, the
5 minor's ~~his or her~~ family, the minor's ~~his or her~~ victim and
6 the minor's ~~his or her~~ community. In addition, this system
7 offers a method to reduce the ever-increasing instances of
8 delinquent acts while permitting the judicial system to deal
9 effectively with cases that are more serious in nature.

10 (2) Community mediation panels. The State's Attorney, or
11 an entity designated by the State's Attorney, may establish
12 community mediation programs designed to provide citizen
13 participation in addressing juvenile delinquency. The State's
14 Attorney, or the State's Attorney's ~~his or her~~ designee, shall
15 maintain a list of qualified persons who have agreed to serve
16 as community mediators. To the maximum extent possible, panel
17 membership shall reflect the social-economic, racial and
18 ethnic make-up of the community in which the panel sits. The
19 panel shall consist of members with a diverse background in
20 employment, education and life experience.

21 (3) Community mediation cases.

22 (a) Community mediation programs shall provide one or
23 more community mediation panels to informally hear cases
24 that are referred by a police officer as a station
25 adjustment, or a probation officer as a probation
26 adjustment, or referred by the State's Attorney as a

1 diversion from prosecution.

2 (b) Minors who are offered the opportunity to
3 participate in the program must admit responsibility for
4 the offense to be eligible for the program.

5 (4) Disposition of cases. Subsequent to any hearing held,
6 the community mediation panel may:

7 (a) Refer the minor for placement in a community-based
8 nonresidential program.

9 (b) Refer the minor or the minor's family to community
10 counseling.

11 (c) Require the minor to perform up to 100 hours of
12 community service.

13 (d) Require the minor to make restitution in money or
14 in kind in a case involving property damage; however, the
15 amount of restitution shall not exceed the amount of
16 actual damage to property.

17 (e) Require the minor and the minor's ~~his or her~~
18 parent, guardian, or legal custodian to undergo an
19 approved screening for substance abuse or use, or both. If
20 the screening indicates a need, a drug and alcohol
21 assessment of the minor and the minor's ~~his or her~~ parent,
22 guardian, or legal custodian shall be conducted by an
23 entity licensed by the Department of Human Services, as a
24 successor to the Department of Alcoholism and Substance
25 Abuse. The minor and the minor's ~~his or her~~ parent,
26 guardian, or legal custodian shall adhere to and complete

1 all recommendations to obtain drug and alcohol treatment
2 and counseling resulting from the assessment.

3 (f) Require the minor to attend school.

4 (g) Require the minor to attend tutorial sessions.

5 (h) Impose any other restrictions or sanctions that
6 are designed to encourage responsible and acceptable
7 behavior and are agreed upon by the participants of the
8 community mediation proceedings.

9 (5) The agreement shall run no more than 6 months. All
10 community mediation panel members and observers are required
11 to sign the following oath of confidentiality prior to
12 commencing community mediation proceedings:

13 "I solemnly swear or affirm that I will not
14 divulge, either by words or signs, any information
15 about the case which comes to my knowledge in the
16 course of a community mediation presentation and that
17 I will keep secret all proceedings which may be held in
18 my presence.

19 Further, I understand that if I break
20 confidentiality by telling anyone else the names of
21 community mediation participants, except for
22 information pertaining to the community mediation
23 panelists themselves, or any other specific details of
24 the case which may identify that juvenile, I will no
25 longer be able to serve as a community mediation panel
26 member or observer."

1 (6) The State's Attorney shall adopt rules and procedures
2 governing administration of the program.

3 (Source: P.A. 90-590, eff. 1-1-99.)

4 (705 ILCS 405/5-401)

5 Sec. 5-401. Arrest and taking into custody of a minor.

6 (1) A law enforcement officer may, without a warrant,

7 (a) arrest a minor whom the officer with probable
8 cause believes to be a delinquent minor; or

9 (b) take into custody a minor who has been adjudged a
10 ward of the court and has escaped from any commitment
11 ordered by the court under this Act; or

12 (c) take into custody a minor whom the officer
13 reasonably believes has violated the conditions of
14 probation or supervision ordered by the court.

15 (2) Whenever a petition has been filed under Section 5-520
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 or others or that the circumstances of the minor's ~~his or~~
19 ~~her~~ home environment may endanger the minor's ~~his or her~~
20 health, person, welfare or property, a warrant may be issued
21 immediately to take the minor into custody.

22 (3) Except for minors accused of violation of an order of
23 the court, any minor accused of any act under federal or State
24 law, or a municipal or county ordinance that would not be
25 illegal if committed by an adult, cannot be placed in a jail,

1 municipal lockup, detention center, or secure correctional
2 facility. Juveniles accused with underage consumption and
3 underage possession of alcohol or cannabis cannot be placed in
4 a jail, municipal lockup, detention center, or correctional
5 facility.

6 (Source: P.A. 101-27, eff. 6-25-19.)

7 (705 ILCS 405/5-401.5)

8 Sec. 5-401.5. When statements by minor may be used.

9 (a) In this Section, "custodial interrogation" means any
10 interrogation (i) during which a reasonable person in the
11 subject's position would consider the subject ~~himself or~~
12 ~~herself~~ to be in custody and (ii) during which a question is
13 asked that is reasonably likely to elicit an incriminating
14 response.

15 In this Section, "electronic recording" includes motion
16 picture, audiotape, videotape, or digital recording.

17 In this Section, "place of detention" means a building or
18 a police station that is a place of operation for a municipal
19 police department or county sheriff department or other law
20 enforcement agency at which persons are or may be held in
21 detention in connection with criminal charges against those
22 persons or allegations that those persons are delinquent
23 minors.

24 (a-5) An oral, written, or sign language statement of a
25 minor, who at the time of the commission of the offense was

1 under 18 years of age, is presumed to be inadmissible when the
2 statement is obtained from the minor while the minor is
3 subject to custodial interrogation by a law enforcement
4 officer, State's Attorney, juvenile officer, or other public
5 official or employee prior to the officer, State's Attorney,
6 public official, or employee:

7 (1) continuously reads to the minor, in its entirety
8 and without stopping for purposes of a response from the
9 minor or verifying comprehension, the following statement:

10 "You have the right to remain silent. That means you do not
11 have to say anything. Anything you do say can be used
12 against you in court. You have the right to get help from a
13 lawyer. If you cannot pay for a lawyer, the court will get
14 you one for free. You can ask for a lawyer at any time. You
15 have the right to stop this interview at any time."; and

16 (2) after reading the statement required by paragraph
17 (1) of this subsection (a-5), the public official or
18 employee shall ask the minor the following questions and
19 wait for the minor's response to each question:

20 (A) "Do you want to have a lawyer?"

21 (B) "Do you want to talk to me?"

22 (b) An oral, written, or sign language statement of a
23 minor who, at the time of the commission of the offense was
24 under the age of 18 years, made as a result of a custodial
25 interrogation conducted at a police station or other place of
26 detention on or after the effective date of this amendatory

1 Act of the 99th General Assembly shall be presumed to be
2 inadmissible as evidence against the minor in any criminal
3 proceeding or juvenile court proceeding, for an act that if
4 committed by an adult would be a misdemeanor offense under
5 Article 11 of the Criminal Code of 2012 or any felony offense
6 unless:

7 (1) an electronic recording is made of the custodial
8 interrogation; and

9 (2) the recording is substantially accurate and not
10 intentionally altered.

11 (b-5) (Blank).

12 (b-10) If, during the course of an electronically recorded
13 custodial interrogation conducted under this Section of a
14 minor who, at the time of the commission of the offense was
15 under the age of 18 years, the minor makes a statement that
16 creates a reasonable suspicion to believe the minor has
17 committed an act that if committed by an adult would be an
18 offense other than an offense required to be recorded under
19 subsection (b), the interrogators may, without the minor's
20 consent, continue to record the interrogation as it relates to
21 the other offense notwithstanding any provision of law to the
22 contrary. Any oral, written, or sign language statement of a
23 minor made as a result of an interrogation under this
24 subsection shall be presumed to be inadmissible as evidence
25 against the minor in any criminal proceeding or juvenile court
26 proceeding, unless the recording is substantially accurate and

1 not intentionally altered.

2 (c) Every electronic recording made under this Section
3 must be preserved until such time as the minor's adjudication
4 for any offense relating to the statement is final and all
5 direct and habeas corpus appeals are exhausted, or the
6 prosecution of such offenses is barred by law.

7 (d) If the court finds, by a preponderance of the
8 evidence, that the minor was subjected to a custodial
9 interrogation in violation of this Section, then any
10 statements made by the minor during or following that
11 non-recorded custodial interrogation, even if otherwise in
12 compliance with this Section, are presumed to be inadmissible
13 in any criminal proceeding or juvenile court proceeding
14 against the minor except for the purposes of impeachment.

15 (e) Nothing in this Section precludes the admission (i) of
16 a statement made by the minor in open court in any criminal
17 proceeding or juvenile court proceeding, before a grand jury,
18 or at a preliminary hearing, (ii) of a statement made during a
19 custodial interrogation that was not recorded as required by
20 this Section because electronic recording was not feasible,
21 (iii) of a voluntary statement, whether or not the result of a
22 custodial interrogation, that has a bearing on the credibility
23 of the accused as a witness, (iv) of a spontaneous statement
24 that is not made in response to a question, (v) of a statement
25 made after questioning that is routinely asked during the
26 processing of the arrest of the suspect, (vi) of a statement

1 made during a custodial interrogation by a suspect who
2 requests, prior to making the statement, to respond to the
3 interrogator's questions only if an electronic recording is
4 not made of the statement, provided that an electronic
5 recording is made of the statement of agreeing to respond to
6 the interrogator's question, only if a recording is not made
7 of the statement, (vii) of a statement made during a custodial
8 interrogation that is conducted out-of-state, (viii) of a
9 statement given in violation of subsection (b) at a time when
10 the interrogators are unaware that a death has in fact
11 occurred, (ix) (blank), or (x) of any other statement that may
12 be admissible under law. The State shall bear the burden of
13 proving, by a preponderance of the evidence, that one of the
14 exceptions described in this subsection (e) is applicable.
15 Nothing in this Section precludes the admission of a
16 statement, otherwise inadmissible under this Section, that is
17 used only for impeachment and not as substantive evidence.

18 (f) The presumption of inadmissibility of a statement made
19 by a suspect at a custodial interrogation at a police station
20 or other place of detention may be overcome by a preponderance
21 of the evidence that the statement was voluntarily given and
22 is reliable, based on the totality of the circumstances.

23 (g) Any electronic recording of any statement made by a
24 minor during a custodial interrogation that is compiled by any
25 law enforcement agency as required by this Section for the
26 purposes of fulfilling the requirements of this Section shall

1 be confidential and exempt from public inspection and copying,
2 as provided under Section 7 of the Freedom of Information Act,
3 and the information shall not be transmitted to anyone except
4 as needed to comply with this Section.

5 (h) A statement, admission, confession, or incriminating
6 information made by or obtained from a minor related to the
7 instant offense, as part of any behavioral health screening,
8 assessment, evaluation, or treatment, whether or not
9 court-ordered, shall not be admissible as evidence against the
10 minor on the issue of guilt only in the instant juvenile court
11 proceeding. The provisions of this subsection (h) are in
12 addition to and do not override any existing statutory and
13 constitutional prohibition on the admission into evidence in
14 delinquency proceedings of information obtained during
15 screening, assessment, or treatment.

16 (i) The changes made to this Section by Public Act 98-61
17 apply to statements of a minor made on or after January 1, 2014
18 (the effective date of Public Act 98-61).

19 (Source: P.A. 98-61, eff. 1-1-14; 98-547, eff. 1-1-14; 98-756,
20 eff. 7-16-14; 99-882, eff. 1-1-17.)

21 (705 ILCS 405/5-401.6)

22 Sec. 5-401.6. Prohibition of deceptive tactics.

23 (a) In this Section:

24 "Custodial interrogation" means any interrogation (i)
25 during which a reasonable person in the subject's position

1 would consider the subject ~~himself or herself~~ to be in custody
2 and (ii) during which a question is asked that is reasonably
3 likely to elicit an incriminating response.

4 "Deception" means the knowing communication of false facts
5 about evidence or unauthorized statements regarding leniency
6 by a law enforcement officer or juvenile officer to a subject
7 of custodial interrogation.

8 "Place of detention" means a building or a police station
9 that is a place of operation for a municipal police department
10 or county sheriff department or other law enforcement agency
11 at which persons are or may be held in detention in connection
12 with criminal charges against those persons or allegations
13 that those persons are delinquent minors.

14 (b) An oral, written, or sign language confession of a
15 minor, who at the time of the commission of the offense was
16 under 18 years of age, 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 102nd General Assembly shall be presumed to be
20 inadmissible as evidence against the minor making the
21 confession in a criminal proceeding or a juvenile court
22 proceeding for an act that if committed by an adult would be a
23 misdemeanor offense under Article 11 of the Criminal Code of
24 2012 or a felony offense under the Criminal Code of 2012 if,
25 during the custodial interrogation, a law enforcement officer
26 or juvenile officer knowingly engages in deception.

1 (c) The presumption of inadmissibility of a confession of
2 a minor, who at the time of the commission of the offense was
3 under 18 years of age, at a custodial interrogation at a police
4 station or other place of detention, when such confession is
5 procured through the knowing use of deception, may be overcome
6 by a preponderance of the evidence that the confession was
7 voluntarily given, based on the totality of the circumstances.

8 (d) The burden of going forward with the evidence and the
9 burden of proving that a confession was voluntary shall be on
10 the State. Objection to the failure of the State to call all
11 material witnesses on the issue of whether the confession was
12 voluntary must be made in the trial court.

13 (Source: P.A. 102-101, eff. 1-1-22.)

14 (705 ILCS 405/5-405)

15 Sec. 5-405. Duty of officer; admissions by minor.

16 (1) A law enforcement officer who arrests a minor with a
17 warrant shall immediately make a reasonable attempt to notify
18 the parent or other person legally responsible for the minor's
19 care or the person with whom the minor resides that the minor
20 has been arrested and where the minor ~~he or she~~ is being held.
21 The minor shall be delivered without unnecessary delay to the
22 court or to the place designated by rule or order of court for
23 the reception of minors.

24 (2) A law enforcement officer who arrests a minor without
25 a warrant under Section 5-401 shall, if the minor is not

1 released, immediately make a reasonable attempt to notify the
2 parent or other person legally responsible for the minor's
3 care or the person with whom the minor resides that the minor
4 has been arrested and where the minor is being held; and the
5 law enforcement officer shall without unnecessary delay take
6 the minor to the nearest juvenile police officer designated
7 for these purposes in the county of venue or shall surrender
8 the minor to a juvenile police officer in the city or village
9 where the offense is alleged to have been committed. If a minor
10 is taken into custody for an offense which would be a
11 misdemeanor if committed by an adult, the law enforcement
12 officer, upon determining the true identity of the minor, may
13 release the minor to the parent or other person legally
14 responsible for the minor's care or the person with whom the
15 minor resides. If a minor is so released, the law enforcement
16 officer shall promptly notify a juvenile police officer of the
17 circumstances of the custody and release.

18 (3) The juvenile police officer may take one of the
19 following actions:

20 (a) station adjustment and release of the minor;

21 (b) release the minor to the minor's ~~his or her~~
22 parents and refer the case to Juvenile Court;

23 (c) if the juvenile police officer reasonably believes
24 that there is an urgent and immediate necessity to keep
25 the minor in custody, the juvenile police officer shall
26 deliver the minor without unnecessary delay to the court

1 or to the place designated by rule or order of court for
2 the reception of minors;

3 (d) any other appropriate action with consent of the
4 minor or a parent.

5 (4) The factors to be considered in determining whether to
6 release or keep a minor in custody shall include:

7 (a) the nature of the allegations against the minor;

8 (b) the minor's history and present situation;

9 (c) the history of the minor's family and the family's
10 present situation;

11 (d) the educational and employment status of the
12 minor;

13 (e) the availability of special resource or community
14 services to aid or counsel the minor;

15 (f) the minor's past involvement with and progress in
16 social programs;

17 (g) the attitude of complainant and community toward
18 the minor; and

19 (h) the present attitude of the minor and family.

20 (5) The records of law enforcement officers concerning all
21 minors taken into custody under this Act shall be maintained
22 separate from the records of arrests of adults and may not be
23 inspected by or disclosed to the public except pursuant to
24 Section 5-901 and Section 5-905.

25 (Source: P.A. 90-590, eff. 1-1-99.)

1 (705 ILCS 405/5-407)

2 Sec. 5-407. Processing of juvenile in possession of a
3 firearm.

4 (a) If a law enforcement officer detains a minor pursuant
5 to Section 10-27.1A of the School Code, the officer shall
6 deliver the minor to the nearest juvenile officer, in the
7 manner prescribed by subsection (2) of Section 5-405 of this
8 Act. The juvenile officer shall deliver the minor without
9 unnecessary delay to the court or to the place designated by
10 rule or order of court for the reception of minors. In no event
11 shall the minor be eligible for any other disposition by the
12 juvenile police officer, notwithstanding the provisions of
13 subsection (3) of Section 5-405 of this Act.

14 (b) Minors shall be brought before a judicial officer
15 within 40 hours, exclusive of Saturdays, Sundays, and
16 court-designated holidays, for a detention hearing to
17 determine whether the minor ~~he or she~~ shall be further held in
18 custody. If the court finds that there is probable cause to
19 believe that the minor is a delinquent minor by virtue of the
20 minor's ~~his or her~~ violation of item (4) of subsection (a) of
21 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 while on school grounds, that finding shall create a
23 presumption that immediate and urgent necessity exists under
24 subdivision (2) of Section 5-501 of this Act. Once the
25 presumption of immediate and urgent necessity has been raised,
26 the burden of demonstrating the lack of immediate and urgent

1 necessity shall be on any party that is opposing detention for
2 the minor. Should the court order detention pursuant to this
3 Section, the minor shall be detained, pending the results of a
4 court-ordered psychological evaluation to determine if the
5 minor is a risk to the minor ~~himself, herself,~~ or others. Upon
6 receipt of the psychological evaluation, the court shall
7 review the determination regarding the existence of urgent and
8 immediate necessity. The court shall consider the
9 psychological evaluation in conjunction with the other factors
10 identified in subdivision (2) of Section 5-501 of this Act in
11 order to make a de novo determination regarding whether it is a
12 matter of immediate and urgent necessity for the protection of
13 the minor or of the person or property of another that the
14 minor be detained or placed in a shelter care facility. In
15 addition to the pre-trial conditions found in Section 5-505 of
16 this Act, the court may order the minor to receive counseling
17 and any other services recommended by the psychological
18 evaluation as a condition for release of the minor.

19 (c) Upon making a determination that the student presents
20 a risk to the student ~~himself, herself,~~ or others, the court
21 shall issue an order restraining the student from entering the
22 property of the school if the student ~~he or she~~ has been
23 suspended or expelled from the school as a result of
24 possessing a firearm. The order shall restrain the student
25 from entering the school and school owned or leased property,
26 including any conveyance owned, leased, or contracted by the

1 school to transport students to or from school or a
2 school-related activity. The order shall remain in effect
3 until such time as the court determines that the student no
4 longer presents a risk to the student ~~himself, herself,~~ or
5 others.

6 (d) Psychological evaluations ordered pursuant to
7 subsection (b) of this Section and statements made by the
8 minor during the course of these evaluations, shall not be
9 admissible on the issue of delinquency during the course of
10 any adjudicatory hearing held under this Act.

11 (e) In this Section:

12 "School" means any public or private elementary or
13 secondary school.

14 "School grounds" includes the real property comprising any
15 school, any conveyance owned, leased, or contracted by a
16 school to transport students to or from school or a
17 school-related activity, or any public way within 1,000 feet
18 of the real property comprising any school.

19 (Source: P.A. 99-258, eff. 1-1-16.)

20 (705 ILCS 405/5-410)

21 Sec. 5-410. Non-secure custody or detention.

22 (1) Any minor arrested or taken into custody pursuant to
23 this Act who requires care away from the minor's ~~his or her~~
24 home but who does not require physical restriction shall be
25 given temporary care in a foster family home or other shelter

1 facility designated by the court.

2 (2) (a) Any minor 10 years of age or older arrested
3 pursuant to this Act where there is probable cause to believe
4 that the minor is a delinquent minor and that (i) secure
5 custody is a matter of immediate and urgent necessity for the
6 protection of the minor or of the person or property of
7 another, (ii) the minor is likely to flee the jurisdiction of
8 the court, or (iii) the minor was taken into custody under a
9 warrant, may be kept or detained in an authorized detention
10 facility. A minor under 13 years of age shall not be admitted,
11 kept, or detained in a detention facility unless a local youth
12 service provider, including a provider through the
13 Comprehensive Community Based Youth Services network, has been
14 contacted and has not been able to accept the minor. No minor
15 under 12 years of age shall be detained in a county jail or a
16 municipal lockup for more than 6 hours.

17 (a-5) For a minor arrested or taken into custody for
18 vehicular hijacking or aggravated vehicular hijacking, a
19 previous finding of delinquency for vehicular hijacking or
20 aggravated vehicular hijacking shall be given greater weight
21 in determining whether secured custody of a minor is a matter
22 of immediate and urgent necessity for the protection of the
23 minor or of the person or property of another.

24 (b) The written authorization of the probation officer or
25 detention officer (or other public officer designated by the
26 court in a county having 3,000,000 or more inhabitants)

1 constitutes authority for the superintendent of any juvenile
2 detention home to detain and keep a minor for up to 40 hours,
3 excluding Saturdays, Sundays, and court-designated holidays.
4 These records shall be available to the same persons and
5 pursuant to the same conditions as are law enforcement records
6 as provided in Section 5-905.

7 (b-4) The consultation required by paragraph (b-5) shall
8 not be applicable if the probation officer or detention
9 officer (or other public officer designated by the court in a
10 county having 3,000,000 or more inhabitants) utilizes a
11 scorable detention screening instrument, which has been
12 developed with input by the State's Attorney, to determine
13 whether a minor should be detained, however, paragraph (b-5)
14 shall still be applicable where no such screening instrument
15 is used or where the probation officer, detention officer (or
16 other public officer designated by the court in a county
17 having 3,000,000 or more inhabitants) deviates from the
18 screening instrument.

19 (b-5) Subject to the provisions of paragraph (b-4), if a
20 probation officer or detention officer (or other public
21 officer designated by the court in a county having 3,000,000
22 or more inhabitants) does not intend to detain a minor for an
23 offense which constitutes one of the following offenses, the
24 probation officer or detention officer (or other public
25 officer designated by the court in a county having 3,000,000
26 or more inhabitants) ~~he or she~~ shall consult with the State's

1 Attorney's Office prior to the release of the minor: first
2 degree murder, second degree murder, involuntary manslaughter,
3 criminal sexual assault, aggravated criminal sexual assault,
4 aggravated battery with a firearm as described in Section
5 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
6 Section 12-3.05, aggravated or heinous battery involving
7 permanent disability or disfigurement or great bodily harm,
8 robbery, aggravated robbery, armed robbery, vehicular
9 hijacking, aggravated vehicular hijacking, vehicular invasion,
10 arson, aggravated arson, kidnapping, aggravated kidnapping,
11 home invasion, burglary, or residential burglary.

12 (c) Except as otherwise provided in paragraph (a), (d), or
13 (e), no minor shall be detained in a county jail or municipal
14 lockup for more than 12 hours, unless the offense is a crime of
15 violence in which case the minor may be detained up to 24
16 hours. For the purpose of this paragraph, "crime of violence"
17 has the meaning ascribed to it in Section 1-10 of the
18 Alcoholism and Other Drug Abuse and Dependency Act.

19 (i) The period of detention is deemed to have begun
20 once the minor has been placed in a locked room or cell or
21 handcuffed to a stationary object in a building housing a
22 county jail or municipal lockup. Time spent transporting a
23 minor is not considered to be time in detention or secure
24 custody.

25 (ii) Any minor so confined shall be under periodic
26 supervision and shall not be permitted to come into or

1 remain in contact with adults in custody in the building.

2 (iii) Upon placement in secure custody in a jail or
3 lockup, the minor shall be informed of the purpose of the
4 detention, the time it is expected to last and the fact
5 that it cannot exceed the time specified under this Act.

6 (iv) A log shall be kept which shows the offense which
7 is the basis for the detention, the reasons and
8 circumstances for the decision to detain, and the length
9 of time the minor was in detention.

10 (v) Violation of the time limit on detention in a
11 county jail or municipal lockup shall not, in and of
12 itself, render inadmissible evidence obtained as a result
13 of the violation of this time limit. Minors under 18 years
14 of age shall be kept separate from confined adults and may
15 not at any time be kept in the same cell, room, or yard
16 with adults confined pursuant to criminal law. Persons 18
17 years of age and older who have a petition of delinquency
18 filed against them may be confined in an adult detention
19 facility. In making a determination whether to confine a
20 person 18 years of age or older who has a petition of
21 delinquency filed against the person, these factors, among
22 other matters, shall be considered:

23 (A) the age of the person;

24 (B) any previous delinquent or criminal history of
25 the person;

26 (C) any previous abuse or neglect history of the

1 person; and

2 (D) any mental health or educational history of
3 the person, or both.

4 (d) (i) If a minor 12 years of age or older is confined in
5 a county jail in a county with a population below 3,000,000
6 inhabitants, then the minor's confinement shall be implemented
7 in such a manner that there will be no contact by sight, sound,
8 or otherwise between the minor and adult prisoners. Minors 12
9 years of age or older must be kept separate from confined
10 adults and may not at any time be kept in the same cell, room,
11 or yard with confined adults. This paragraph (d) (i) shall only
12 apply to confinement pending an adjudicatory hearing and shall
13 not exceed 40 hours, excluding Saturdays, Sundays, and
14 court-designated holidays. To accept or hold minors during
15 this time period, county jails shall comply with all
16 monitoring standards adopted by the Department of Corrections
17 and training standards approved by the Illinois Law
18 Enforcement Training Standards Board.

19 (ii) To accept or hold minors, 12 years of age or older,
20 after the time period prescribed in paragraph (d) (i) of this
21 subsection (2) of this Section but not exceeding 7 days
22 including Saturdays, Sundays, and holidays pending an
23 adjudicatory hearing, county jails shall comply with all
24 temporary detention standards adopted by the Department of
25 Corrections and training standards approved by the Illinois
26 Law Enforcement Training Standards Board.

1 (iii) To accept or hold minors 12 years of age or older,
2 after the time period prescribed in paragraphs (d)(i) and
3 (d)(ii) of this subsection (2) of this Section, county jails
4 shall comply with all county juvenile detention standards
5 adopted by the Department of Juvenile Justice.

6 (e) When a minor who is at least 15 years of age is
7 prosecuted under the criminal laws of this State, the court
8 may enter an order directing that the juvenile be confined in
9 the county jail. However, any juvenile confined in the county
10 jail under this provision shall be separated from adults who
11 are confined in the county jail in such a manner that there
12 will be no contact by sight, sound or otherwise between the
13 juvenile and adult prisoners.

14 (f) For purposes of appearing in a physical lineup, the
15 minor may be taken to a county jail or municipal lockup under
16 the direct and constant supervision of a juvenile police
17 officer. During such time as is necessary to conduct a lineup,
18 and while supervised by a juvenile police officer, the sight
19 and sound separation provisions shall not apply.

20 (g) For purposes of processing a minor, the minor may be
21 taken to a county jail or municipal lockup under the direct and
22 constant supervision of a law enforcement officer or
23 correctional officer. During such time as is necessary to
24 process the minor, and while supervised by a law enforcement
25 officer or correctional officer, the sight and sound
26 separation provisions shall not apply.

1 (3) If the probation officer or State's Attorney (or such
2 other public officer designated by the court in a county
3 having 3,000,000 or more inhabitants) determines that the
4 minor may be a delinquent minor as described in subsection (3)
5 of Section 5-105, and should be retained in custody but does
6 not require physical restriction, the minor may be placed in
7 non-secure custody for up to 40 hours pending a detention
8 hearing.

9 (4) Any minor taken into temporary custody, not requiring
10 secure detention, may, however, be detained in the home of the
11 minor's ~~his or her~~ parent or guardian subject to such
12 conditions as the court may impose.

13 (5) The changes made to this Section by Public Act 98-61
14 apply to a minor who has been arrested or taken into custody on
15 or after January 1, 2014 (the effective date of Public Act
16 98-61).

17 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

18 (705 ILCS 405/5-415)

19 Sec. 5-415. Setting of detention or shelter care hearing;
20 release.

21 (1) Unless sooner released, a minor alleged to be a
22 delinquent minor taken into temporary custody must be brought
23 before a judicial officer within 40 hours for a detention or
24 shelter care hearing to determine whether the minor ~~he or she~~
25 shall be further held in custody. If a minor alleged to be a

1 delinquent minor taken into custody is hospitalized or is
2 receiving treatment for a physical or mental condition, and is
3 unable to be brought before a judicial officer for a detention
4 or shelter care hearing, the 40 hour period will not commence
5 until the minor is released from the hospital or place of
6 treatment. If the minor gives false information to law
7 enforcement officials regarding the minor's identity or age,
8 the 40 hour period will not commence until the court rules that
9 the minor is subject to this Act and not subject to prosecution
10 under the Criminal Code of 1961 or the Criminal Code of 2012.
11 Any other delay attributable to a minor alleged to be a
12 delinquent minor who is taken into temporary custody shall act
13 to toll the 40 hour time period. The 40 hour time period shall
14 be tolled to allow counsel for the minor to prepare for the
15 detention or shelter care hearing, upon a motion filed by such
16 counsel and granted by the court. In all cases, the 40 hour
17 time period is exclusive of Saturdays, Sundays and
18 court-designated holidays.

19 (2) If the State's Attorney or probation officer (or other
20 public officer designated by the court in a county having more
21 than 3,000,000 inhabitants) determines that the minor should
22 be retained in custody, the probation officer or such other
23 public officer designated by the court ~~he or she~~ shall cause a
24 petition to be filed as provided in Section 5-520 of this
25 Article, and the clerk of the court shall set the matter for
26 hearing on the detention or shelter care hearing calendar.

1 Immediately upon the filing of a petition in the case of a
2 minor retained in custody, the court shall cause counsel to be
3 appointed to represent the minor. When a parent, legal
4 guardian, custodian, or responsible relative is present and so
5 requests, the detention or shelter care hearing shall be held
6 immediately if the court is in session and the State is ready
7 to proceed, otherwise at the earliest feasible time. In no
8 event shall a detention or shelter care hearing be held until
9 the minor has had adequate opportunity to consult with
10 counsel. The probation officer or such other public officer
11 designated by the court in a county having more than 3,000,000
12 inhabitants shall notify the minor's parent, legal guardian,
13 custodian, or responsible relative of the time and place of
14 the hearing. The notice may be given orally.

15 (3) The minor must be released from custody at the
16 expiration of the 40 hour period specified by this Section if
17 not brought before a judicial officer within that period.

18 (4) After the initial 40 hour period has lapsed, the court
19 may review the minor's custodial status at any time prior to
20 the trial or sentencing hearing. If during this time period
21 new or additional information becomes available concerning the
22 minor's conduct, the court may conduct a hearing to determine
23 whether the minor should be placed in a detention or shelter
24 care facility. If the court finds that there is probable cause
25 that the minor is a delinquent minor and that it is a matter of
26 immediate and urgent necessity for the protection of the minor

1 or of the person or property of another, or that the minor ~~he~~
2 ~~or she~~ is likely to flee the jurisdiction of the court, the
3 court may order that the minor be placed in detention or
4 shelter care.

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

6 (705 ILCS 405/5-501)

7 Sec. 5-501. Detention or shelter care hearing. At the
8 appearance of the minor before the court at the detention or
9 shelter care hearing, the court shall receive all relevant
10 information and evidence, including affidavits concerning the
11 allegations made in the petition. Evidence used by the court
12 in its findings or stated in or offered in connection with this
13 Section may be by way of proffer based on reliable information
14 offered by the State or minor. All evidence shall be
15 admissible if it is relevant and reliable regardless of
16 whether it would be admissible under the rules of evidence
17 applicable at a trial. No hearing may be held unless the minor
18 is represented by counsel and no hearing shall be held until
19 the minor has had adequate opportunity to consult with
20 counsel.

21 (1) If the court finds that there is not probable cause to
22 believe that the minor is a delinquent minor, it shall release
23 the minor and dismiss the petition.

24 (2) If the court finds that there is probable cause to
25 believe that the minor is a delinquent minor, the minor, the

1 minor's ~~his or her~~ parent, guardian, custodian and other
2 persons able to give relevant testimony may be examined before
3 the court. The court may also consider any evidence by way of
4 proffer based upon reliable information offered by the State
5 or the minor. All evidence, including affidavits, 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 trial. After such evidence is presented, the
9 court may enter an order that the minor shall be released upon
10 the request of a parent, guardian or legal custodian if the
11 parent, guardian or custodian appears to take custody.

12 If the court finds that it is a matter of immediate and
13 urgent necessity for the protection of the minor or of the
14 person or property of another that the minor be detained or
15 placed in a shelter care facility or that the minor ~~he or she~~
16 is likely to flee the jurisdiction of the court, the court may
17 prescribe detention or shelter care and order that the minor
18 be kept in a suitable place designated by the court or in a
19 shelter care facility designated by the Department of Children
20 and Family Services or a licensed child welfare agency;
21 otherwise it shall release the minor from custody. If the
22 court prescribes shelter care, then in placing the minor, the
23 Department or other agency shall, to the extent compatible
24 with the court's order, comply with Section 7 of the Children
25 and Family Services Act. In making the determination of the
26 existence of immediate and urgent necessity, the court shall

1 consider among other matters: (a) the nature and seriousness
2 of the alleged offense; (b) the minor's record of delinquency
3 offenses, including whether the minor has delinquency cases
4 pending; (c) the minor's record of willful failure to appear
5 following the issuance of a summons or warrant; (d) the
6 availability of non-custodial alternatives, including the
7 presence of a parent, guardian or other responsible relative
8 able and willing to provide supervision and care for the minor
9 and to assure the minor's ~~his or her~~ compliance with a summons.
10 If the minor is ordered placed in a shelter care facility of a
11 licensed child welfare agency, the court shall, upon request
12 of the agency, appoint the appropriate agency executive
13 temporary custodian of the minor and the court may enter such
14 other orders related to the temporary custody of the minor as
15 it deems fit and proper.

16 If the court prescribes detention, and the minor is a
17 youth in care of the Department of Children and Family
18 Services, a hearing shall be held every 14 days to determine
19 whether there is an urgent and immediate necessity to detain
20 the minor for the protection of the person or property of
21 another. If urgent and immediate necessity is not found on the
22 basis of the protection of the person or property of another,
23 the minor shall be released to the custody of the Department of
24 Children and Family Services. If the court prescribes
25 detention based on the minor being likely to flee the
26 jurisdiction, and the minor is a youth in care of the

1 Department of Children and Family Services, a hearing shall be
2 held every 7 days for status on the location of shelter care
3 placement by the Department of Children and Family Services.
4 Detention shall not be used as a shelter care placement for
5 minors in the custody or guardianship of the Department of
6 Children and Family Services.

7 The order together with the court's findings of fact in
8 support of the order shall be entered of record in the court.

9 Once the court finds that it is a matter of immediate and
10 urgent necessity for the protection of the minor that the
11 minor be placed in a shelter care facility, the minor shall not
12 be returned to the parent, custodian or guardian until the
13 court finds that the placement is no longer necessary for the
14 protection of the minor.

15 (3) Only when there is reasonable cause to believe that
16 the minor taken into custody is a delinquent minor may the
17 minor be kept or detained in a facility authorized for
18 juvenile detention. This Section shall in no way be construed
19 to limit subsection (4).

20 (4) (a) Minors 12 years of age or older must be kept
21 separate from confined adults and may not at any time be kept
22 in the same cell, room or yard with confined adults. This
23 paragraph (4) shall only apply to confinement pending an
24 adjudicatory hearing and shall not exceed 40 hours, excluding
25 Saturdays, Sundays, and court designated holidays. To accept
26 or hold minors during this time period, county jails shall

1 comply with all monitoring standards adopted by the Department
2 of Corrections and training standards approved by the Illinois
3 Law Enforcement Training Standards Board.

4 (b) To accept or hold minors, 12 years of age or older,
5 after the time period prescribed in clause (a) of subsection
6 (4) of this Section but not exceeding 7 days including
7 Saturdays, Sundays, and holidays, pending an adjudicatory
8 hearing, county jails shall comply with all temporary
9 detention standards adopted by the Department of Corrections
10 and training standards approved by the Illinois Law
11 Enforcement Training Standards Board.

12 (c) To accept or hold minors 12 years of age or older after
13 the time period prescribed in clause (a) and (b) of this
14 subsection, county jails shall comply with all county juvenile
15 detention standards adopted by the Department of Juvenile
16 Justice.

17 (5) If the minor is not brought before a judicial officer
18 within the time period as specified in Section 5-415, the
19 minor must immediately be released from custody.

20 (6) If neither the parent, guardian, or legal custodian
21 appears within 24 hours to take custody of a minor released
22 from detention or shelter care, then the clerk of the court
23 shall set the matter for rehearing not later than 7 days after
24 the original order and shall issue a summons directed to the
25 parent, guardian, or legal custodian to appear. At the same
26 time the probation department shall prepare a report on the

1 minor. If a parent, guardian, or legal custodian does not
2 appear at such rehearing, the judge may enter an order
3 prescribing that the minor be kept in a suitable place
4 designated by the Department of Human Services or a licensed
5 child welfare agency. The time during which a minor is in
6 custody after being released upon the request of a parent,
7 guardian, or legal custodian shall be considered as time spent
8 in detention for purposes of scheduling the trial.

9 (7) Any party, including the State, the temporary
10 custodian, an agency providing services to the minor or family
11 under a service plan pursuant to Section 8.2 of the Abused and
12 Neglected Child Reporting Act, foster parent, or any of their
13 representatives, may file a motion to modify or vacate a
14 temporary custody order or vacate a detention or shelter care
15 order on any of the following grounds:

16 (a) It is no longer a matter of immediate and urgent
17 necessity that the minor remain in detention or shelter
18 care; or

19 (b) There is a material change in the circumstances of
20 the natural family from which the minor was removed; or

21 (c) A person, including a parent, relative, or legal
22 guardian, is capable of assuming temporary custody of the
23 minor; or

24 (d) Services provided by the Department of Children
25 and Family Services or a child welfare agency or other
26 service provider have been successful in eliminating the

1 need for temporary custody.

2 The clerk shall set the matter for hearing not later than
3 14 days after such motion is filed. In the event that the court
4 modifies or vacates a temporary order but does not vacate its
5 finding of probable cause, the court may order that
6 appropriate services be continued or initiated on behalf of
7 the minor and the minor's ~~his or her~~ family.

8 (8) Whenever a petition has been filed under Section
9 5-520, the court can, at any time prior to trial or sentencing,
10 order that the minor be placed in detention or a shelter care
11 facility after the court conducts a hearing and finds that the
12 conduct and behavior of the minor may endanger the health,
13 person, welfare, or property of the minor ~~himself~~ or others or
14 that the circumstances of the minor's ~~his or her~~ home
15 environment may endanger the minor's ~~his or her~~ health,
16 person, welfare, or property.

17 (Source: P.A. 102-654, eff. 1-1-23; 102-813, eff. 5-13-22.)

18 (705 ILCS 405/5-505)

19 Sec. 5-505. Pre-trial conditions order.

20 (1) If a minor is charged with the commission of a
21 delinquent act, at any appearance of the minor before the
22 court prior to trial, the court may conduct a hearing to
23 determine whether the minor should be required to do any of the
24 following:

25 (a) not violate any criminal statute of any

1 jurisdiction;

2 (b) make a report to and appear in person before any
3 person or agency as directed by the court;

4 (c) refrain from possessing a firearm or other
5 dangerous weapon, or an automobile;

6 (d) reside with the minor's ~~his or her~~ parents or in a
7 foster home;

8 (e) attend school;

9 (f) attend a non-residential program for youth;

10 (g) comply with curfew requirements as designated by
11 the court;

12 (h) refrain from entering into a designated geographic
13 area except upon terms as the court finds appropriate. The
14 terms may include consideration of the purpose of the
15 entry, the time of day, other persons accompanying the
16 minor, advance approval by the court, and any other terms
17 the court may deem appropriate;

18 (i) refrain from having any contact, directly or
19 indirectly, with certain specified persons or particular
20 types of persons, including but not limited to members of
21 street gangs and drug users or dealers;

22 (j) comply with any other conditions as may be ordered
23 by the court.

24 No hearing may be held unless the minor is represented by
25 counsel. If the court determines that there is probable cause
26 to believe the minor is a delinquent minor and that it is in

1 the best interests of the minor that the court impose any or
2 all of the conditions listed in paragraphs (a) through (j) of
3 this subsection (1), then the court shall order the minor to
4 abide by all of the conditions ordered by the court.

5 (2) If the court issues a pre-trial conditions order as
6 provided in subsection (1), the court shall inform the minor
7 and provide a copy of the pre-trial conditions order effective
8 under this Section.

9 (3) The provisions of the pre-trial conditions order
10 issued under this Section may be continued through the
11 sentencing hearing if the court deems the action reasonable
12 and necessary. Nothing in this Section shall preclude the
13 minor from applying to the court at any time for modification
14 or dismissal of the order or the State's Attorney from
15 applying to the court at any time for additional provisions
16 under the pre-trial conditions order, modification of the
17 order, or dismissal of the order.

18 (Source: P.A. 90-590, eff. 1-1-99.)

19 (705 ILCS 405/5-520)

20 Sec. 5-520. Petition; supplemental petitions.

21 (1) The State's Attorney may file, or the court on its own
22 motion may direct the filing through the State's Attorney of,
23 a petition in respect to a minor under this Act. The petition
24 and all subsequent court documents shall be entitled "In the
25 interest of, a minor".

1 (2) The petition shall be verified but the statements may
2 be made upon information and belief. It shall allege that the
3 minor is delinquent and set forth (a) facts sufficient to
4 bring the minor under Section 5-120; (b) the name, age and
5 residence of the minor; (c) the names and residences of the
6 minor's ~~his~~ parents; (d) the name and residence of the minor's
7 ~~his or her~~ guardian or legal custodian or the person or persons
8 having custody or control of the minor, or of the nearest known
9 relative if no parent, guardian or legal custodian can be
10 found; and (e) if the minor upon whose behalf the petition is
11 brought is detained or sheltered in custody, the date on which
12 detention or shelter care was ordered by the court or the date
13 set for a detention or shelter care hearing. If any of the
14 facts required by this subsection (2) are not known by the
15 petitioner, the petition shall so state.

16 (3) The petition must pray that the minor be adjudged a
17 ward of the court and may pray generally for relief available
18 under this Act. The petition need not specify any proposed
19 disposition following adjudication of wardship.

20 (4) At any time before dismissal of the petition or before
21 final closing and discharge under Section 5-750, one or more
22 supplemental petitions may be filed (i) alleging new offenses
23 or (ii) alleging violations of orders entered by the court in
24 the delinquency proceeding.

25 (Source: P.A. 90-590, eff. 1-1-99.)

1 (705 ILCS 405/5-525)

2 Sec. 5-525. Service.

3 (1) Service by summons.

4 (a) Upon the commencement of a delinquency
5 prosecution, the clerk of the court shall issue a summons
6 with a copy of the petition attached. The summons shall be
7 directed to the minor's parent, guardian or legal
8 custodian and to each person named as a respondent in the
9 petition, except that summons need not be directed (i) to
10 a minor respondent under 8 years of age for whom the court
11 appoints a guardian ad litem if the guardian ad litem
12 appears on behalf of the minor in any proceeding under
13 this Act, or (ii) to a parent who does not reside with the
14 minor, does not make regular child support payments to the
15 minor, to the minor's other parent, or to the minor's
16 legal guardian or custodian pursuant to a support order,
17 and has not communicated with the minor on a regular
18 basis.

19 (b) The summons must contain a statement that the
20 minor is entitled to have an attorney present at the
21 hearing on the petition, and that the clerk of the court
22 should be notified promptly if the minor desires to be
23 represented by an attorney but is financially unable to
24 employ counsel.

25 (c) The summons shall be issued under the seal of the
26 court, attested in and signed with the name of the clerk of

1 the court, dated on the day it is issued, and shall require
2 each respondent to appear and answer the petition on the
3 date set for the adjudicatory hearing.

4 (d) The summons may be served by any law enforcement
5 officer, coroner or probation officer, even though the
6 officer is the petitioner. The return of the summons with
7 endorsement of service by the officer is sufficient proof
8 of service.

9 (e) Service of a summons and petition shall be made
10 by: (i) leaving a copy of the summons and petition with the
11 person summoned at least 3 days before the time stated in
12 the summons for appearance; (ii) leaving a copy at the
13 summoned person's ~~his or her~~ usual place of abode with
14 some person of the family, of the age of 10 years or
15 upwards, and informing that person of the contents of the
16 summons and petition, provided, the officer or other
17 person making service shall also send a copy of the
18 summons in a sealed envelope with postage fully prepaid,
19 addressed to the person summoned at the person's ~~his or~~
20 ~~her~~ usual place of abode, at least 3 days before the time
21 stated in the summons for appearance; or (iii) leaving a
22 copy of the summons and petition with the guardian or
23 custodian of a minor, at least 3 days before the time
24 stated in the summons for appearance. If the guardian or
25 legal custodian is an agency of the State of Illinois,
26 proper service may be made by leaving a copy of the summons

1 and petition with any administrative employee of the
2 agency designated by the agency to accept the service of
3 summons and petitions. The certificate of the officer or
4 affidavit of the person that the officer or person ~~he or~~
5 ~~she~~ has sent the copy pursuant to this Section is
6 sufficient proof of service.

7 (f) When a parent or other person, who has signed a
8 written promise to appear and bring the minor to court or
9 who has waived or acknowledged service, fails to appear
10 with the minor on the date set by the court, a bench
11 warrant may be issued for the parent or other person, the
12 minor, or both.

13 (2) Service by certified mail or publication.

14 (a) If service on individuals as provided in
15 subsection (1) is not made on any respondent within a
16 reasonable time or if it appears that any respondent
17 resides outside the State, service may be made by
18 certified mail. In that case the clerk shall mail the
19 summons and a copy of the petition to that respondent by
20 certified mail marked for delivery to addressee only. The
21 court shall not proceed with the adjudicatory hearing
22 until 5 days after the mailing. The regular return receipt
23 for certified mail is sufficient proof of service.

24 (b) If service upon individuals as provided in
25 subsection (1) is not made on any respondents within a
26 reasonable time or if any person is made a respondent

1 under the designation of "All Whom It May Concern", or if
2 service cannot be made because the whereabouts of a
3 respondent are unknown, service may be made by
4 publication. The clerk of the court as soon as possible
5 shall cause publication to be made once in a newspaper of
6 general circulation in the county where the action is
7 pending. Service by publication is not required in any
8 case when the person alleged to have legal custody of the
9 minor has been served with summons personally or by
10 certified mail, but the court may not enter any order or
11 judgment against any person who cannot be served with
12 process other than by publication unless service by
13 publication is given or unless that person appears.
14 Failure to provide service by publication to a
15 non-custodial parent whose whereabouts are unknown shall
16 not deprive the court of jurisdiction to proceed with a
17 trial or a plea of delinquency by the minor. When a minor
18 has been detained or sheltered under Section 5-501 of this
19 Act and summons has not been served personally or by
20 certified mail within 20 days from the date of the order of
21 court directing such detention or shelter care, the clerk
22 of the court shall cause publication. Service by
23 publication shall be substantially as follows:

24 "A, B, C, D, (here giving the names of the named
25 respondents, if any) and to All Whom It May Concern (if
26 there is any respondent under that designation):

1 Take notice that on (insert date) a petition was
 2 filed under the Juvenile Court Act of 1987 by in
 3 the circuit court of county entitled 'In the
 4 interest of, a minor', and that in courtroom
 5 at on (insert date) at the hour of, or as
 6 soon thereafter as this cause may be heard, an
 7 adjudicatory hearing will be held upon the petition to
 8 have the child declared to be a ward of the court under
 9 that Act. The court has authority in this proceeding
 10 to take from you the custody and guardianship of the
 11 minor.

12 Now, unless you appear at the hearing and show
 13 cause against the petition, the allegations of the
 14 petition may stand admitted as against you and each of
 15 you, and an order or judgment entered.

16

17 Clerk

18 Dated (insert the date of publication)"

19 (c) The clerk shall also at the time of the
 20 publication of the notice send a copy of the notice by mail
 21 to each of the respondents on account of whom publication
 22 is made at each respondent's ~~his or her~~ last known
 23 address. The certificate of the clerk that the clerk ~~he or~~
 24 ~~she~~ has mailed the notice is evidence of that mailing. No
 25 other publication notice is required. Every respondent
 26 notified by publication under this Section must appear and

1 answer in open court at the hearing. The court may not
2 proceed with the adjudicatory hearing until 10 days after
3 service by publication on any custodial parent, guardian
4 or legal custodian of a minor alleged to be delinquent.

5 (d) If it becomes necessary to change the date set for
6 the hearing in order to comply with this Section, notice
7 of the resetting of the date must be given, by certified
8 mail or other reasonable means, to each respondent who has
9 been served with summons personally or by certified mail.

10 (3) Once jurisdiction has been established over a
11 party, further service is not required and notice of any
12 subsequent proceedings in that prosecution shall be made
13 in accordance with provisions of Section 5-530.

14 (4) The appearance of the minor's parent, guardian or
15 legal custodian, or a person named as a respondent in a
16 petition, in any proceeding under this Act shall
17 constitute a waiver of service and submission to the
18 jurisdiction of the court. A copy of the petition shall be
19 provided to the person at the time of the person's ~~his or~~
20 ~~her~~ appearance.

21 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

22 (705 ILCS 405/5-530)

23 Sec. 5-530. Notice.

24 (1) A party presenting a supplemental or amended petition
25 or motion to the court shall provide the other parties with a

1 copy of any supplemental or amended petition, motion or
2 accompanying affidavit not yet served upon that party, and
3 shall file proof of that service, in accordance with
4 subsections (2), (3), and (4) of this Section. Written notice
5 of the date, time and place of the hearing, shall be provided
6 to all parties in accordance with local court rules.

7 (2) (a) On whom made. If a party is represented by an
8 attorney of record, service shall be made upon the attorney.
9 Otherwise service shall be made upon the party.

10 (b) Method. Papers shall be served as follows:

11 (1) by delivering them to the attorney or party
12 personally;

13 (2) by leaving them in the office of the attorney with
14 the attorney's ~~his or her~~ clerk, or with a person in charge
15 of the office; or if a party is not represented by counsel,
16 by leaving them at the party's ~~his or her~~ residence with a
17 family member of the age of 10 years or upwards;

18 (3) by depositing them in the United States post
19 office or post-office box enclosed in an envelope, plainly
20 addressed to the attorney at the attorney's ~~his or her~~
21 business address, or to the party at the party's ~~his or her~~
22 business address or residence, with postage fully
23 pre-paid; or

24 (4) by transmitting them via facsimile machine to the
25 office of the attorney or party, who has consented to
26 receiving service by facsimile transmission. Briefs filed

1 in reviewing courts shall be served in accordance with
2 Supreme Court Rule.

3 (i) A party or attorney electing to serve pleading
4 by facsimile must include on the certificate of
5 service transmitted the telephone number of the
6 sender's facsimile transmitting device. Use of service
7 by facsimile shall be deemed consent by that party or
8 attorney to receive service by facsimile transmission.
9 Any party may rescind consent of service by facsimile
10 transmission in a case by filing with the court and
11 serving a notice on all parties or their attorneys who
12 have filed appearances that facsimile service will not
13 be accepted. A party or attorney who has rescinded
14 consent to service by facsimile transmission in a case
15 may not serve another party or attorney by facsimile
16 transmission in that case.

17 (ii) Each page of notices and documents
18 transmitted by facsimile pursuant to this rule should
19 bear the circuit court number, the title of the
20 document, and the page number.

21 (c) Multiple parties or attorneys. In cases in which there
22 are 2 or more minor-respondents who appear by different
23 attorneys, service on all papers shall be made on the attorney
24 for each of the parties. If one attorney appears for several
25 parties, the attorney ~~he or she~~ is entitled to only one copy of
26 any paper served upon the attorney ~~him or her~~ by the opposite

1 side. When more than one attorney appears for a party, service
2 of a copy upon one of them is sufficient.

3 (3) (a) Filing. When service of a paper is required, proof
4 of service shall be filed with the clerk.

5 (b) Manner of Proof. Service is proved:

6 (i) by written acknowledgment ~~acknowledgement~~ signed
7 by the person served;

8 (ii) in case of service by personal delivery, by
9 certificate of the attorney, or affidavit of a person,
10 other than an attorney, who made delivery;

11 (iii) in case of service by mail, by certificate of
12 the attorney, or affidavit of a person other than the
13 attorney, who deposited the paper in the mail, stating the
14 time and place of mailing, the complete address which
15 appeared on the envelope, and the fact that proper postage
16 was pre-paid; or

17 (iv) in case of service by facsimile transmission, by
18 certificate of the attorney or affidavit of a person other
19 than the attorney, who transmitted the paper via facsimile
20 machine, stating the time and place of transmission, the
21 telephone number to which the transmission was sent and
22 the number of pages transmitted.

23 (c) Effective date of service by mail. Service by mail is
24 complete 4 days after mailing.

25 (d) Effective date of service by facsimile transmission.
26 Service by facsimile machine is complete on the first court

1 day following transmission.

2 (Source: P.A. 99-642, eff. 7-28-16.)

3 (705 ILCS 405/5-601)

4 Sec. 5-601. Trial.

5 (1) When a petition has been filed alleging that the minor
6 is a delinquent, a trial must be held within 120 days of a
7 written demand for such hearing made by any party, except that
8 when the State, without success, has exercised due diligence
9 to obtain evidence material to the case and there are
10 reasonable grounds to believe that the evidence may be
11 obtained at a later date, the court may, upon motion by the
12 State, continue the trial for not more than 30 additional
13 days.

14 (2) If a minor respondent has multiple delinquency
15 petitions pending against the minor ~~him or her~~ in the same
16 county and simultaneously demands a trial upon more than one
17 delinquency petition pending against the minor ~~him or her~~ in
18 the same county, the minor ~~he or she~~ shall receive a trial or
19 have a finding, after waiver of trial, upon at least one such
20 petition before expiration relative to any of the pending
21 petitions of the period described by this Section. All
22 remaining petitions thus pending against the minor respondent
23 shall be adjudicated within 160 days from the date on which a
24 finding relative to the first petition prosecuted is rendered
25 under Section 5-620 of this Article, or, if the trial upon the

1 first petition is terminated without a finding and there is no
2 subsequent trial, or adjudication after waiver of trial, on
3 the first petition within a reasonable time, the minor shall
4 receive a trial upon all of the remaining petitions within 160
5 days from the date on which the trial, or finding after waiver
6 of trial, on the first petition is concluded. If either such
7 period of 160 days expires without the commencement of trial,
8 or adjudication after waiver of trial, of any of the remaining
9 pending petitions, the petition or petitions shall be
10 dismissed and barred for want of prosecution unless the delay
11 is occasioned by any of the reasons described in this Section.

12 (3) When no such trial is held within the time required by
13 subsections (1) and (2) of this Section, the court shall, upon
14 motion by any party, dismiss the petition with prejudice.

15 (4) Without affecting the applicability of the tolling and
16 multiple prosecution provisions of subsections (8) and (2) of
17 this Section when a petition has been filed alleging that the
18 minor is a delinquent and the minor is in detention or shelter
19 care, the trial shall be held within 30 calendar days after the
20 date of the order directing detention or shelter care, or the
21 earliest possible date in compliance with the provisions of
22 Section 5-525 as to the custodial parent, guardian or legal
23 custodian, but no later than 45 calendar days from the date of
24 the order of the court directing detention or shelter care.
25 When the petition alleges the minor has committed an offense
26 involving a controlled substance as defined in the Illinois

1 Controlled Substances Act or methamphetamine as defined in the
2 Methamphetamine Control and Community Protection Act, the
3 court may, upon motion of the State, continue the trial for
4 receipt of a confirmatory laboratory report for up to 45 days
5 after the date of the order directing detention or shelter
6 care. When the petition alleges the minor committed an offense
7 that involves the death of, great bodily harm to or sexual
8 assault or aggravated criminal sexual abuse on a victim, the
9 court may, upon motion of the State, continue the trial for not
10 more than 70 calendar days after the date of the order
11 directing detention or shelter care.

12 Any failure to comply with the time limits of this Section
13 shall require the immediate release of the minor from
14 detention, and the time limits set forth in subsections (1)
15 and (2) shall apply.

16 (5) If the court determines that the State, without
17 success, has exercised due diligence to obtain the results of
18 DNA testing that is material to the case, and that there are
19 reasonable grounds to believe that the results may be obtained
20 at a later date, the court may continue the cause on
21 application of the State for not more than 120 additional
22 days. The court may also extend the period of detention of the
23 minor for not more than 120 additional days.

24 (6) If the State's Attorney makes a written request that a
25 proceeding be designated an extended juvenile jurisdiction
26 prosecution, and the minor is in detention, the period the

1 minor can be held in detention pursuant to subsection (4),
2 shall be extended an additional 30 days after the court
3 determines whether the proceeding will be designated an
4 extended juvenile jurisdiction prosecution or the State's
5 Attorney withdraws the request for extended juvenile
6 jurisdiction prosecution.

7 (7) When the State's Attorney files a motion for waiver of
8 jurisdiction pursuant to Section 5-805, and the minor is in
9 detention, the period the minor can be held in detention
10 pursuant to subsection (4), shall be extended an additional 30
11 days if the court denies motion for waiver of jurisdiction or
12 the State's Attorney withdraws the motion for waiver of
13 jurisdiction.

14 (8) The period in which a trial shall be held as prescribed
15 by subsections (1), (2), (3), (4), (5), (6), or (7) of this
16 Section is tolled by: (i) delay occasioned by the minor; (ii) a
17 continuance allowed pursuant to Section 114-4 of the Code of
18 Criminal Procedure of 1963 after the court's determination of
19 the minor's incapacity for trial; (iii) an interlocutory
20 appeal; (iv) an examination of fitness ordered pursuant to
21 Section 104-13 of the Code of Criminal Procedure of 1963; (v) a
22 fitness hearing; or (vi) an adjudication of unfitness for
23 trial. Any such delay shall temporarily suspend, for the time
24 of the delay, the period within which a trial must be held as
25 prescribed by subsections (1), (2), (4), (5), and (6) of this
26 Section. On the day of expiration of the delays the period

1 shall continue at the point at which the time was suspended.

2 (9) Nothing in this Section prevents the minor or the
3 minor's parents, guardian or legal custodian from exercising
4 their respective rights to waive the time limits set forth in
5 this Section.

6 (Source: P.A. 94-556, eff. 9-11-05.)

7 (705 ILCS 405/5-605)

8 Sec. 5-605. Trials, pleas, guilty but mentally ill and not
9 guilty by reason of insanity.

10 (1) Method of trial. All delinquency proceedings shall be
11 heard by the court except those proceedings under this Act
12 where the right to trial by jury is specifically set forth. At
13 any time a minor may waive the minor's ~~his or her~~ right to
14 trial by jury.

15 (2) Pleas of guilty and guilty but mentally ill.

16 (a) Before or during trial, a plea of guilty may be
17 accepted when the court has informed the minor of the
18 consequences of the minor's ~~his or her~~ plea and of the
19 maximum penalty provided by law which may be imposed upon
20 acceptance of the plea. Upon acceptance of a plea of
21 guilty, the court shall determine the factual basis of a
22 plea.

23 (b) Before or during trial, a plea of guilty but
24 mentally ill may be accepted by the court when:

25 (i) the minor has undergone an examination by a

1 clinical psychologist or psychiatrist and has waived
2 the minor's ~~his or her~~ right to trial; and

3 (ii) the judge has examined the psychiatric or
4 psychological report or reports; and

5 (iii) the judge has held a hearing, at which
6 either party may present evidence, on the issue of the
7 minor's mental health and, at the conclusion of the
8 hearing, is satisfied that there is a factual basis
9 that the minor was mentally ill at the time of the
10 offense to which the plea is entered.

11 (3) Trial by the court.

12 (a) A trial shall be conducted in the presence of the
13 minor unless the minor ~~he or she~~ waives the right to be
14 present. At the trial, the court shall consider the
15 question whether the minor is delinquent. The standard of
16 proof and the rules of evidence in the nature of criminal
17 proceedings in this State are applicable to that
18 consideration.

19 (b) Upon conclusion of the trial the court shall enter
20 a general finding, except that, when the affirmative
21 defense of insanity has been presented during the trial
22 and acquittal is based solely upon the defense of
23 insanity, the court shall enter a finding of not guilty by
24 reason of insanity. In the event of a finding of not guilty
25 by reason of insanity, a hearing shall be held pursuant to
26 the Mental Health and Developmental Disabilities Code to

1 determine whether the minor is subject to involuntary
2 admission.

3 (c) When the minor has asserted a defense of insanity,
4 the court may find the minor guilty but mentally ill if,
5 after hearing all of the evidence, the court finds that:

6 (i) the State has proven beyond a reasonable doubt
7 that the minor is guilty of the offense charged; and

8 (ii) the minor has failed to prove the minor's ~~his~~
9 ~~or her~~ insanity as required in subsection (b) of
10 Section 3-2 of the Criminal Code of 2012, and
11 subsections (a), (b) and (e) of Section 6-2 of the
12 Criminal Code of 2012; and

13 (iii) the minor has proven by a preponderance of
14 the evidence that the minor ~~he~~ was mentally ill, as
15 defined in subsections (c) and (d) of Section 6-2 of
16 the Criminal Code of 2012 at the time of the offense.

17 (4) Trial by court and jury.

18 (a) Questions of law shall be decided by the court and
19 questions of fact by the jury.

20 (b) The jury shall consist of 12 members.

21 (c) Upon request the parties shall be furnished with a
22 list of prospective jurors with their addresses if known.

23 (d) Each party may challenge jurors for cause. If a
24 prospective juror has a physical impairment, the court
25 shall consider the prospective juror's ability to perceive
26 and appreciate the evidence when considering a challenge

1 for cause.

2 (e) A minor tried alone shall be allowed 7 peremptory
3 challenges; except that, in a single trial of more than
4 one minor, each minor shall be allowed 5 peremptory
5 challenges. If several charges against a minor or minors
6 are consolidated for trial, each minor shall be allowed
7 peremptory challenges upon one charge only, which single
8 charge shall be the charge against that minor authorizing
9 the greatest maximum penalty. The State shall be allowed
10 the same number of peremptory challenges as all of the
11 minors.

12 (f) After examination by the court, the jurors may be
13 examined, passed upon, accepted and tendered by opposing
14 counsel as provided by Supreme Court Rules.

15 (g) After the jury is impaneled and sworn, the court
16 may direct the selection of 2 alternate jurors who shall
17 take the same oath as the regular jurors. Each party shall
18 have one additional peremptory challenge for each
19 alternate juror. If before the final submission of a cause
20 a member of the jury dies or is discharged, the member ~~he~~
21 ~~or she~~ shall be replaced by an alternate juror in the order
22 of selection.

23 (h) A trial by the court and jury shall be conducted in
24 the presence of the minor unless the minor ~~he or she~~ waives
25 the right to be present.

26 (i) After arguments of counsel the court shall

1 instruct the jury as to the law.

2 (j) Unless the affirmative defense of insanity has
3 been presented during the trial, the jury shall return a
4 general verdict as to each offense charged. When the
5 affirmative defense of insanity has been presented during
6 the trial, the court shall provide the jury not only with
7 general verdict forms but also with a special verdict form
8 of not guilty by reason of insanity, as to each offense
9 charged, and in the event the court shall separately
10 instruct the jury that a special verdict of not guilty by
11 reason of insanity may be returned instead of a general
12 verdict but the special verdict requires a unanimous
13 finding by the jury that the minor committed the acts
14 charged but at the time of the commission of those acts the
15 minor was insane. In the event of a verdict of not guilty
16 by reason of insanity, a hearing shall be held pursuant to
17 the Mental Health and Developmental Disabilities Code to
18 determine whether the minor is subject to involuntary
19 admission. When the affirmative defense of insanity has
20 been presented during the trial, the court, where
21 warranted by the evidence, shall also provide the jury
22 with a special verdict form of guilty but mentally ill, as
23 to each offense charged and shall separately instruct the
24 jury that a special verdict of guilty but mentally ill may
25 be returned instead of a general verdict, but that the
26 special verdict requires a unanimous finding by the jury

1 that: (i) the State has proven beyond a reasonable doubt
2 that the minor is guilty of the offense charged; and (ii)
3 the minor has failed to prove the minor's ~~his or her~~
4 insanity as required in subsection (b) of Section 3-2 of
5 the Criminal Code of 2012 and subsections (a), (b) and (e)
6 of Section 6-2 of the Criminal Code of 2012; and (iii) the
7 minor has proven by a preponderance of the evidence that
8 the minor ~~he or she~~ was mentally ill, as defined in
9 subsections (c) and (d) of Section 6-2 of the Criminal
10 Code of 2012 at the time of the offense.

11 (k) When, at the close of the State's evidence or at
12 the close of all of the evidence, the evidence is
13 insufficient to support a finding or verdict of guilty the
14 court may and on motion of the minor shall make a finding
15 or direct the jury to return a verdict of not guilty, enter
16 a judgment of acquittal and discharge the minor.

17 (l) When the jury retires to consider its verdict, an
18 officer of the court shall be appointed to keep them
19 together and to prevent conversation between the jurors
20 and others; however, if any juror is deaf, the jury may be
21 accompanied by and may communicate with a court-appointed
22 interpreter during its deliberations. Upon agreement
23 between the State and minor or the minor's ~~his or her~~
24 counsel, and the parties waive polling of the jury, the
25 jury may seal and deliver its verdict to the clerk of the
26 court, separate, and then return the verdict in open court

1 at its next session.

2 (m) In a trial, any juror who is a member of a panel or
3 jury which has been impaneled and sworn as a panel or as a
4 jury shall be permitted to separate from other jurors
5 during every period of adjournment to a later day, until
6 final submission of the cause to the jury for
7 determination, except that no such separation shall be
8 permitted in any trial after the court, upon motion by the
9 minor or the State or upon its own motion, finds a
10 probability that prejudice to the minor or to the State
11 will result from the separation.

12 (n) The members of the jury shall be entitled to take
13 notes during the trial, and the sheriff of the county in
14 which the jury is sitting shall provide them with writing
15 materials for this purpose. The notes shall remain
16 confidential, and shall be destroyed by the sheriff after
17 the verdict has been returned or a mistrial declared.

18 (o) A minor tried by the court and jury shall only be
19 found guilty, guilty but mentally ill, not guilty or not
20 guilty by reason of insanity, upon the unanimous verdict
21 of the jury.

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

23 (705 ILCS 405/5-610)

24 Sec. 5-610. Guardian ad litem and appointment of attorney.

25 (1) The court may appoint a guardian ad litem for the minor

1 whenever it finds that there may be a conflict of interest
2 between the minor and the minor's ~~his or her~~ parent, guardian
3 or legal custodian or that it is otherwise in the minor's
4 interest to do so.

5 (2) Unless the guardian ad litem is an attorney, the
6 guardian ad litem ~~he or she~~ shall be represented by counsel.

7 (3) The reasonable fees of a guardian ad litem appointed
8 under this Section shall be fixed by the court and charged to
9 the parents of the minor, to the extent they are able to pay.
10 If the parents are unable to pay those fees, they shall be paid
11 from the general fund of the county.

12 (4) If, during the court proceedings, the parents,
13 guardian, or legal custodian prove that the minor ~~he or she~~ has
14 an actual conflict of interest with the minor in that
15 delinquency proceeding and that the parents, guardian, or
16 legal custodian are indigent, the court shall appoint a
17 separate attorney for that parent, guardian, or legal
18 custodian.

19 (5) A guardian ad litem appointed under this Section for a
20 minor who is in the custody or guardianship of the Department
21 of Children and Family Services or who has an open intact
22 family services case with the Department of Children and
23 Family Services is entitled to receive copies of any and all
24 classified reports of child abuse or neglect made pursuant to
25 the Abused and Neglected Child Reporting Act in which the
26 minor, who is the subject of the report under the Abused and

1 Neglected Child Reporting Act, is also a minor for whom the
2 guardian ad litem is appointed under this Act. The Department
3 of Children and Family Services' obligation under this
4 subsection to provide reports to a guardian ad litem for a
5 minor with an open intact family services case applies only if
6 the guardian ad litem notified the Department in writing of
7 the representation.

8 (Source: P.A. 100-158, eff. 1-1-18.)

9 (705 ILCS 405/5-615)

10 Sec. 5-615. Continuance under supervision.

11 (1) The court may enter an order of continuance under
12 supervision for an offense other than first degree murder, a
13 Class X felony or a forcible felony:

14 (a) upon an admission or stipulation by the
15 appropriate respondent or minor respondent of the facts
16 supporting the petition and before the court makes a
17 finding of delinquency, and in the absence of objection
18 made in open court by the minor, the minor's ~~his or her~~
19 parent, guardian, or legal custodian, the minor's attorney
20 or the State's Attorney; or

21 (b) upon a finding of delinquency and after
22 considering the circumstances of the offense and the
23 history, character, and condition of the minor, if the
24 court is of the opinion that:

25 (i) the minor is not likely to commit further

1 crimes;

2 (ii) the minor and the public would be best served
3 if the minor were not to receive a criminal record; and

4 (iii) in the best interests of justice an order of
5 continuance under supervision is more appropriate than
6 a sentence otherwise permitted under this Act.

7 (2) (Blank).

8 (3) Nothing in this Section limits the power of the court
9 to order a continuance of the hearing for the production of
10 additional evidence or for any other proper reason.

11 (4) When a hearing where a minor is alleged to be a
12 delinquent is continued pursuant to this Section, the period
13 of continuance under supervision may not exceed 24 months. The
14 court may terminate a continuance under supervision at any
15 time if warranted by the conduct of the minor and the ends of
16 justice or vacate the finding of delinquency or both.

17 (5) When a hearing where a minor is alleged to be
18 delinquent is continued pursuant to this Section, the court
19 may, as conditions of the continuance under supervision,
20 require the minor to do any of the following:

21 (a) not violate any criminal statute of any
22 jurisdiction;

23 (b) make a report to and appear in person before any
24 person or agency as directed by the court;

25 (c) work or pursue a course of study or vocational
26 training;

1 (d) undergo medical or psychotherapeutic treatment
2 rendered by a therapist licensed under the provisions of
3 the Medical Practice Act of 1987, the Clinical
4 Psychologist Licensing Act, or the Clinical Social Work
5 and Social Work Practice Act, or an entity licensed by the
6 Department of Human Services as a successor to the
7 Department of Alcoholism and Substance Abuse, for the
8 provision of substance use disorder services as defined in
9 Section 1-10 of the Substance Use Disorder Act;

10 (e) attend or reside in a facility established for the
11 instruction or residence of persons on probation;

12 (f) support the minor's ~~his or her~~ dependents, if any;

13 (g) pay costs;

14 (h) refrain from possessing a firearm or other
15 dangerous weapon, or an automobile;

16 (i) permit the probation officer to visit the minor
17 ~~him or her~~ at the minor's ~~his or her~~ home or elsewhere;

18 (j) reside with the minor's ~~his or her~~ parents or in a
19 foster home;

20 (k) attend school;

21 (k-5) with the consent of the superintendent of the
22 facility, attend an educational program at a facility
23 other than the school in which the offense was committed
24 if the minor ~~he or she~~ committed a crime of violence as
25 defined in Section 2 of the Crime Victims Compensation Act
26 in a school, on the real property comprising a school, or

1 within 1,000 feet of the real property comprising a
2 school;

3 (l) attend a non-residential program for youth;

4 (m) contribute to the minor's ~~his or her~~ own support
5 at home or in a foster home;

6 (n) perform some reasonable public or community
7 service;

8 (o) make restitution to the victim, in the same manner
9 and under the same conditions as provided in subsection
10 (4) of Section 5-710, except that the "sentencing hearing"
11 referred to in that Section shall be the adjudicatory
12 hearing for purposes of this Section;

13 (p) comply with curfew requirements as designated by
14 the court;

15 (q) refrain from entering into a designated geographic
16 area except upon terms as the court finds appropriate. The
17 terms may include consideration of the purpose of the
18 entry, the time of day, other persons accompanying the
19 minor, and advance approval by a probation officer;

20 (r) refrain from having any contact, directly or
21 indirectly, with certain specified persons or particular
22 types of persons, including but not limited to members of
23 street gangs and drug users or dealers;

24 (r-5) undergo a medical or other procedure to have a
25 tattoo symbolizing allegiance to a street gang removed
26 from the minor's ~~his or her~~ body;

1 (s) refrain from having in the minor's ~~his or her~~ body
2 the presence of any illicit drug prohibited by the
3 Cannabis Control Act, the Illinois Controlled Substances
4 Act, or the Methamphetamine Control and Community
5 Protection Act, unless prescribed by a physician, and
6 submit samples of the minor's ~~his or her~~ blood or urine or
7 both for tests to determine the presence of any illicit
8 drug; or

9 (t) comply with any other conditions as may be ordered
10 by the court.

11 (6) A minor whose case is continued under supervision
12 under subsection (5) shall be given a certificate setting
13 forth the conditions imposed by the court. Those conditions
14 may be reduced, enlarged, or modified by the court on motion of
15 the probation officer or on its own motion, or that of the
16 State's Attorney, or, at the request of the minor after notice
17 and hearing.

18 (7) If a petition is filed charging a violation of a
19 condition of the continuance under supervision, the court
20 shall conduct a hearing. If the court finds that a condition of
21 supervision has not been fulfilled, the court may proceed to
22 findings, adjudication, and disposition or adjudication and
23 disposition. The filing of a petition for violation of a
24 condition of the continuance under supervision shall toll the
25 period of continuance under supervision until the final
26 determination of the charge, and the term of the continuance

1 under supervision shall not run until the hearing and
2 disposition of the petition for violation; provided where the
3 petition alleges conduct that does not constitute a criminal
4 offense, the hearing must be held within 30 days of the filing
5 of the petition unless a delay shall continue the tolling of
6 the period of continuance under supervision for the period of
7 the delay.

8 (8) When a hearing in which a minor is alleged to be a
9 delinquent for reasons that include a violation of Section
10 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
11 2012 is continued under this Section, the court shall, as a
12 condition of the continuance under supervision, require the
13 minor to perform community service for not less than 30 and not
14 more than 120 hours, if community service is available in the
15 jurisdiction. The community service shall include, but need
16 not be limited to, the cleanup and repair of the damage that
17 was caused by the alleged violation or similar damage to
18 property located in the municipality or county in which the
19 alleged violation occurred. The condition may be in addition
20 to any other condition.

21 (8.5) When a hearing in which a minor is alleged to be a
22 delinquent for reasons that include a violation of Section
23 3.02 or Section 3.03 of the Humane Care for Animals Act or
24 paragraph (d) of subsection (1) of Section 21-1 of the
25 Criminal Code of 1961 or paragraph (4) of subsection (a) of
26 Section 21-1 or the Criminal Code of 2012 is continued under

1 this Section, the court shall, as a condition of the
2 continuance under supervision, require the minor to undergo
3 medical or psychiatric treatment rendered by a psychiatrist or
4 psychological treatment rendered by a clinical psychologist.
5 The condition may be in addition to any other condition.

6 (9) When a hearing in which a minor is alleged to be a
7 delinquent is continued under this Section, the court, before
8 continuing the case, shall make a finding whether the offense
9 alleged to have been committed either: (i) was related to or in
10 furtherance of the activities of an organized gang or was
11 motivated by the minor's membership in or allegiance to an
12 organized gang, or (ii) is a violation of paragraph (13) of
13 subsection (a) of Section 12-2 or paragraph (2) of subsection
14 (c) of Section 12-2 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, a violation of any Section of Article 24
16 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
17 violation of any statute that involved the unlawful use of a
18 firearm. If the court determines the question in the
19 affirmative the court shall, as a condition of the continuance
20 under supervision and as part of or in addition to any other
21 condition of the supervision, require the minor to perform
22 community service for not less than 30 hours, provided that
23 community service is available in the jurisdiction and is
24 funded and approved by the county board of the county where the
25 offense was committed. The community service shall include,
26 but need not be limited to, the cleanup and repair of any

1 damage caused by an alleged violation of Section 21-1.3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 and similar
3 damage to property located in the municipality or county in
4 which the alleged violation occurred. When possible and
5 reasonable, the community service shall be performed in the
6 minor's neighborhood. For the purposes of this Section,
7 "organized gang" has the meaning ascribed to it in Section 10
8 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

9 (10) The court shall impose upon a minor placed on
10 supervision, as a condition of the supervision, a fee of \$50
11 for each month of supervision ordered by the court, unless
12 after determining the inability of the minor placed on
13 supervision to pay the fee, the court assesses a lesser
14 amount. The court may not impose the fee on a minor who is
15 placed in the guardianship or custody of the Department of
16 Children and Family Services under this Act while the minor is
17 in placement. The fee shall be imposed only upon a minor who is
18 actively supervised by the probation and court services
19 department. A court may order the parent, guardian, or legal
20 custodian of the minor to pay some or all of the fee on the
21 minor's behalf.

22 (11) (Blank).

23 (Source: P.A. 100-159, eff. 8-18-17; 100-759, eff. 1-1-19;
24 101-2, eff. 7-1-19.)

25 (705 ILCS 405/5-620)

1 Sec. 5-620. Findings. After hearing the evidence, the
2 court shall make and note in the minutes of the proceeding a
3 finding of whether or not the minor is guilty. If it finds that
4 the minor is not guilty, the court shall order the petition
5 dismissed and the minor discharged from any detention or
6 restriction previously ordered in such proceeding. If the
7 court finds that the minor is guilty, the court shall then set
8 a time for a sentencing hearing to be conducted under Section
9 5-705 at which hearing the court shall determine whether it is
10 in the best interests of the minor and the public that the
11 minor ~~he or she~~ be made a ward of the court. To assist the
12 court in making this and other determinations at the
13 sentencing hearing, the court may order that an investigation
14 be conducted and a social investigation report be prepared.

15 (Source: P.A. 90-590, eff. 1-1-99.)

16 (705 ILCS 405/5-625)

17 Sec. 5-625. Absence of minor.

18 (1) When a minor after arrest and an initial court
19 appearance for a felony, fails to appear for trial, at the
20 request of the State and after the State has affirmatively
21 proven through substantial evidence that the minor is
22 willfully avoiding trial, the court may commence trial in the
23 absence of the minor. The absent minor must be represented by
24 retained or appointed counsel. If trial had previously
25 commenced in the presence of the minor and the minor is

1 willfully absent ~~absents himself~~ for 2 successive court days,
2 the court shall proceed to trial. All procedural rights
3 guaranteed by the United States Constitution, Constitution of
4 the State of Illinois, statutes of the State of Illinois, and
5 rules of court shall apply to the proceedings the same as if
6 the minor were present in court. The court may set the case for
7 a trial which may be conducted under this Section despite the
8 failure of the minor to appear at the hearing at which the
9 trial date is set. When the trial date is set the clerk shall
10 send to the minor, by certified mail at the minor's ~~his or her~~
11 last known address, notice of the new date which has been set
12 for trial. The notification shall be required when the minor
13 was not personally present in open court at the time when the
14 case was set for trial.

15 (2) The absence of the minor from a trial conducted under
16 this Section does not operate as a bar to concluding the trial,
17 to a finding of guilty resulting from the trial, or to a final
18 disposition of the trial in favor of the minor.

19 (3) Upon a finding or verdict of not guilty the court shall
20 enter a finding for the minor. Upon a finding or verdict of
21 guilty, the court shall set a date for the hearing of
22 post-trial motions and shall hear the motion in the absence of
23 the minor. If post-trial motions are denied, the court shall
24 proceed to conduct a sentencing hearing and to impose a
25 sentence upon the minor. A social investigation is waived if
26 the minor is absent.

1 (4) A minor who is absent for part of the proceedings of
2 trial, post-trial motions, or sentencing, does not thereby
3 forfeit the minor's ~~his or her~~ right to be present at all
4 remaining proceedings.

5 (5) When a minor who in the minor's ~~his or her~~ absence has
6 been either found guilty or sentenced or both found guilty and
7 sentenced appears before the court, the minor ~~he or she~~ must be
8 granted a new trial or a new sentencing hearing if the minor
9 can establish that the minor's ~~his or her~~ failure to appear in
10 court was both without the minor's ~~his or her~~ fault and due to
11 circumstances beyond the minor's ~~his or her~~ control. A hearing
12 with notice to the State's Attorney on the minors request for a
13 new trial or a new sentencing hearing must be held before any
14 such request may be granted. At any such hearing both the minor
15 and the State may present evidence.

16 (6) If the court grants only the minor's request for a new
17 sentencing hearing, then a new sentencing hearing shall be
18 held in accordance with the provisions of this Article. At any
19 such hearing, both the minor and the State may offer evidence
20 of the minor's conduct during the minor's ~~his or her~~ period of
21 absence from the court. The court may impose any sentence
22 authorized by this Article and in the case of an extended
23 juvenile jurisdiction prosecution the Unified Code of
24 Corrections and is not in any way limited or restricted by any
25 sentence previously imposed.

26 (7) A minor whose motion under subsection (5) for a new

1 trial or new sentencing hearing has been denied may file a
2 notice of appeal from the denial. The notice may also include a
3 request for review of the finding and sentence not vacated by
4 the trial court.

5 (Source: P.A. 90-590, eff. 1-1-99.)

6 (705 ILCS 405/5-705)

7 Sec. 5-705. Sentencing hearing; evidence; continuance.

8 (1) In this subsection (1), "violent crime" has the same
9 meaning ascribed to the term in subsection (c) of Section 3 of
10 the Rights of Crime Victims and Witnesses Act. At the
11 sentencing hearing, the court shall determine whether it is in
12 the best interests of the minor or the public that the minor ~~he~~
13 ~~or she~~ be made a ward of the court, and, if the minor ~~he or she~~
14 is to be made a ward of the court, the court shall determine
15 the proper disposition best serving the interests of the minor
16 and the public. All evidence helpful in determining these
17 questions, including oral and written reports, may be admitted
18 and may be relied upon to the extent of its probative value,
19 even though not competent for the purposes of the trial. A
20 crime victim shall be allowed to present an oral or written
21 statement, as guaranteed by Article I, Section 8.1 of the
22 Illinois Constitution and as provided in Section 6 of the
23 Rights of Crime Victims and Witnesses Act, in any case in
24 which: (a) a juvenile has been adjudicated delinquent for a
25 violent crime after a bench or jury trial; or (b) the petition

1 alleged the commission of a violent crime and the juvenile has
2 been adjudicated delinquent under a plea agreement of a crime
3 that is not a violent crime. The court shall allow a victim to
4 make an oral statement if the victim is present in the
5 courtroom and requests to make an oral statement. An oral
6 statement includes the victim or a representative of the
7 victim reading the written statement. The court may allow
8 persons impacted by the crime who are not victims under
9 subsection (a) of Section 3 of the Rights of Crime Victims and
10 Witnesses Act to present an oral or written statement. A
11 victim and any person making an oral statement shall not be put
12 under oath or subject to cross-examination. A record of a
13 prior continuance under supervision under Section 5-615,
14 whether successfully completed or not, is admissible at the
15 sentencing hearing. No order of commitment to the Department
16 of Juvenile Justice shall be entered against a minor before a
17 written report of social investigation, which has been
18 completed within the previous 60 days, is presented to and
19 considered by the court.

20 (2) Once a party has been served in compliance with
21 Section 5-525, no further service or notice must be given to
22 that party prior to proceeding to a sentencing hearing. Before
23 imposing sentence the court shall advise the State's Attorney
24 and the parties who are present or their counsel of the factual
25 contents and the conclusions of the reports prepared for the
26 use of the court and considered by it, and afford fair

1 opportunity, if requested, to controvert them. Factual
2 contents, conclusions, documents and sources disclosed by the
3 court under this paragraph shall not be further disclosed
4 without the express approval of the court.

5 (3) On its own motion or that of the State's Attorney, a
6 parent, guardian, legal custodian, or counsel, the court may
7 adjourn the hearing for a reasonable period to receive reports
8 or other evidence and, in such event, shall make an
9 appropriate order for detention of the minor or the minor's
10 ~~his or her~~ release from detention subject to supervision by
11 the court during the period of the continuance. In the event
12 the court shall order detention hereunder, the period of the
13 continuance shall not exceed 30 court days. At the end of such
14 time, the court shall release the minor from detention unless
15 notice is served at least 3 days prior to the hearing on the
16 continued date that the State will be seeking an extension of
17 the period of detention, which notice shall state the reason
18 for the request for the extension. The extension of detention
19 may be for a maximum period of an additional 15 court days or a
20 lesser number of days at the discretion of the court. However,
21 at the expiration of the period of extension, the court shall
22 release the minor from detention if a further continuance is
23 granted. In scheduling investigations and hearings, the court
24 shall give priority to proceedings in which a minor is in
25 detention or has otherwise been removed from the minor's ~~his~~
26 ~~or her~~ home before a sentencing order has been made.

1 (4) When commitment to the Department of Juvenile Justice
2 is ordered, the court shall state the basis for selecting the
3 particular disposition, and the court shall prepare such a
4 statement for inclusion in the record.

5 (5) Before a sentencing order is entered by the court
6 under Section 5-710 for a minor adjudged delinquent for a
7 violation of paragraph (3.5) of subsection (a) of Section 26-1
8 of the Criminal Code of 2012, in which the minor made a threat
9 of violence, death, or bodily harm against a person, school,
10 school function, or school event, the court may order a mental
11 health evaluation of the minor by a physician, clinical
12 psychologist, or qualified examiner, whether employed by the
13 State, by any public or private mental health facility or part
14 of the facility, or by any public or private medical facility
15 or part of the facility. A statement made by a minor during the
16 course of a mental health evaluation conducted under this
17 subsection (5) is not admissible on the issue of delinquency
18 during the course of an adjudicatory hearing held under this
19 Act. Neither the physician, clinical psychologist, qualified
20 examiner, or the his or her employer of the physician,
21 clinical psychologist, qualified examiner, shall be held
22 criminally, civilly, or professionally liable for performing a
23 mental health examination under this subsection (5), except
24 for willful or wanton misconduct. In this subsection (5),
25 "qualified examiner" has the meaning provided in Section 1-122
26 of the Mental Health and Developmental Disabilities Code.

1 (Source: P.A. 100-961, eff. 1-1-19; 101-238, eff. 1-1-20.)

2 (705 ILCS 405/5-710)

3 Sec. 5-710. Kinds of sentencing orders.

4 (1) The following kinds of sentencing orders may be made
5 in respect of wards of the court:

6 (a) Except as provided in Sections 5-805, 5-810, and
7 5-815, a minor who is found guilty under Section 5-620 may
8 be:

9 (i) put on probation or conditional discharge and
10 released to the minor's ~~his or her~~ parents, guardian
11 or legal custodian, provided, however, that any such
12 minor who is not committed to the Department of
13 Juvenile Justice under this subsection and who is
14 found to be a delinquent for an offense which is first
15 degree murder, a Class X felony, or a forcible felony
16 shall be placed on probation;

17 (ii) placed in accordance with Section 5-740, with
18 or without also being put on probation or conditional
19 discharge;

20 (iii) required to undergo a substance abuse
21 assessment conducted by a licensed provider and
22 participate in the indicated clinical level of care;

23 (iv) on and after January 1, 2015 (the effective
24 date of Public Act 98-803) and before January 1, 2017,
25 placed in the guardianship of the Department of

1 Children and Family Services, but only if the
2 delinquent minor is under 16 years of age or, pursuant
3 to Article II of this Act, a minor under the age of 18
4 for whom an independent basis of abuse, neglect, or
5 dependency exists. On and after January 1, 2017,
6 placed in the guardianship of the Department of
7 Children and Family Services, but only if the
8 delinquent minor is under 15 years of age or, pursuant
9 to Article II of this Act, a minor for whom an
10 independent basis of abuse, neglect, or dependency
11 exists. An independent basis exists when the
12 allegations or adjudication of abuse, neglect, or
13 dependency do not arise from the same facts, incident,
14 or circumstances which give rise to a charge or
15 adjudication of delinquency;

16 (v) placed in detention for a period not to exceed
17 30 days, either as the exclusive order of disposition
18 or, where appropriate, in conjunction with any other
19 order of disposition issued under this paragraph,
20 provided that any such detention shall be in a
21 juvenile detention home and the minor so detained
22 shall be 10 years of age or older. However, the 30-day
23 limitation may be extended by further order of the
24 court for a minor under age 15 committed to the
25 Department of Children and Family Services if the
26 court finds that the minor is a danger to the minor

1 ~~himself~~ or others. The minor shall be given credit on
2 the sentencing order of detention for time spent in
3 detention under Sections 5-501, 5-601, 5-710, or 5-720
4 of this Article as a result of the offense for which
5 the sentencing order was imposed. The court may grant
6 credit on a sentencing order of detention entered
7 under a violation of probation or violation of
8 conditional discharge under Section 5-720 of this
9 Article for time spent in detention before the filing
10 of the petition alleging the violation. A minor shall
11 not be deprived of credit for time spent in detention
12 before the filing of a violation of probation or
13 conditional discharge alleging the same or related act
14 or acts. The limitation that the minor shall only be
15 placed in a juvenile detention home does not apply as
16 follows:

17 Persons 18 years of age and older who have a
18 petition of delinquency filed against them may be
19 confined in an adult detention facility. In making a
20 determination whether to confine a person 18 years of
21 age or older who has a petition of delinquency filed
22 against the person, these factors, among other
23 matters, shall be considered:

24 (A) the age of the person;

25 (B) any previous delinquent or criminal
26 history of the person;

1 (C) any previous abuse or neglect history of
2 the person;

3 (D) any mental health history of the person;
4 and

5 (E) any educational history of the person;

6 (vi) ordered partially or completely emancipated
7 in accordance with the provisions of the Emancipation
8 of Minors Act;

9 (vii) subject to having the minor's ~~his or her~~
10 driver's license or driving privileges suspended for
11 such time as determined by the court but only until the
12 minor ~~he or she~~ attains 18 years of age;

13 (viii) put on probation or conditional discharge
14 and placed in detention under Section 3-6039 of the
15 Counties Code for a period not to exceed the period of
16 incarceration permitted by law for adults found guilty
17 of the same offense or offenses for which the minor was
18 adjudicated delinquent, and in any event no longer
19 than upon attainment of age 21; this subdivision
20 (viii) notwithstanding any contrary provision of the
21 law;

22 (ix) ordered to undergo a medical or other
23 procedure to have a tattoo symbolizing allegiance to a
24 street gang removed from the minor's ~~his or her~~ body;
25 or

26 (x) placed in electronic monitoring or home

1 detention under Part 7A of this Article.

2 (b) A minor found to be guilty may be committed to the
3 Department of Juvenile Justice under Section 5-750 if the
4 minor is at least 13 years and under 20 years of age,
5 provided that the commitment to the Department of Juvenile
6 Justice shall be made only if the minor was found guilty of
7 a felony offense or first degree murder. The court shall
8 include in the sentencing order any pre-custody credits
9 the minor is entitled to under Section 5-4.5-100 of the
10 Unified Code of Corrections. The time during which a minor
11 is in custody before being released upon the request of a
12 parent, guardian or legal custodian shall also be
13 considered as time spent in custody.

14 (c) When a minor is found to be guilty for an offense
15 which is a violation of the Illinois Controlled Substances
16 Act, the Cannabis Control Act, or the Methamphetamine
17 Control and Community Protection Act and made a ward of
18 the court, the court may enter a disposition order
19 requiring the minor to undergo assessment, counseling or
20 treatment in a substance use disorder treatment program
21 approved by the Department of Human Services.

22 (2) Any sentencing order other than commitment to the
23 Department of Juvenile Justice may provide for protective
24 supervision under Section 5-725 and may include an order of
25 protection under Section 5-730.

26 (3) Unless the sentencing order expressly so provides, it

1 does not operate to close proceedings on the pending petition,
2 but is subject to modification until final closing and
3 discharge of the proceedings under Section 5-750.

4 (4) In addition to any other sentence, the court may order
5 any minor found to be delinquent to make restitution, in
6 monetary or non-monetary form, under the terms and conditions
7 of Section 5-5-6 of the Unified Code of Corrections, except
8 that the "presentencing hearing" referred to in that Section
9 shall be the sentencing hearing for purposes of this Section.
10 The parent, guardian or legal custodian of the minor may be
11 ordered by the court to pay some or all of the restitution on
12 the minor's behalf, pursuant to the Parental Responsibility
13 Law. The State's Attorney is authorized to act on behalf of any
14 victim in seeking restitution in proceedings under this
15 Section, up to the maximum amount allowed in Section 5 of the
16 Parental Responsibility Law.

17 (5) Any sentencing order where the minor is committed or
18 placed in accordance with Section 5-740 shall provide for the
19 parents or guardian of the estate of the minor to pay to the
20 legal custodian or guardian of the person of the minor such
21 sums as are determined by the custodian or guardian of the
22 person of the minor as necessary for the minor's needs. The
23 payments may not exceed the maximum amounts provided for by
24 Section 9.1 of the Children and Family Services Act.

25 (6) Whenever the sentencing order requires the minor to
26 attend school or participate in a program of training, the

1 truant officer or designated school official shall regularly
2 report to the court if the minor is a chronic or habitual
3 truant under Section 26-2a of the School Code. Notwithstanding
4 any other provision of this Act, in instances in which
5 educational services are to be provided to a minor in a
6 residential facility where the minor has been placed by the
7 court, costs incurred in the provision of those educational
8 services must be allocated based on the requirements of the
9 School Code.

10 (7) In no event shall a guilty minor be committed to the
11 Department of Juvenile Justice for a period of time in excess
12 of that period for which an adult could be committed for the
13 same act. The court shall include in the sentencing order a
14 limitation on the period of confinement not to exceed the
15 maximum period of imprisonment the court could impose under
16 Chapter V of the Unified Code of Corrections.

17 (7.5) In no event shall a guilty minor be committed to the
18 Department of Juvenile Justice or placed in detention when the
19 act for which the minor was adjudicated delinquent would not
20 be illegal if committed by an adult.

21 (7.6) In no event shall a guilty minor be committed to the
22 Department of Juvenile Justice for an offense which is a Class
23 4 felony under Section 19-4 (criminal trespass to a
24 residence), 21-1 (criminal damage to property), 21-1.01
25 (criminal damage to government supported property), 21-1.3
26 (criminal defacement of property), 26-1 (disorderly conduct),

1 or 31-4 (obstructing justice) of the Criminal Code of 2012.

2 (7.75) In no event shall a guilty minor be committed to the
3 Department of Juvenile Justice for an offense that is a Class 3
4 or Class 4 felony violation of the Illinois Controlled
5 Substances Act unless the commitment occurs upon a third or
6 subsequent judicial finding of a violation of probation for
7 substantial noncompliance with court-ordered treatment or
8 programming.

9 (8) A minor found to be guilty for reasons that include a
10 violation of Section 21-1.3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 shall be ordered to perform community
12 service for not less than 30 and not more than 120 hours, if
13 community service is available in the jurisdiction. The
14 community service shall include, but need not be limited to,
15 the cleanup and repair of the damage that was caused by the
16 violation or similar damage to property located in the
17 municipality or county in which the violation occurred. The
18 order may be in addition to any other order authorized by this
19 Section.

20 (8.5) A minor found to be guilty for reasons that include a
21 violation of Section 3.02 or Section 3.03 of the Humane Care
22 for Animals Act or paragraph (d) of subsection (1) of Section
23 21-1 of the Criminal Code of 1961 or paragraph (4) of
24 subsection (a) of Section 21-1 of the Criminal Code of 2012
25 shall be ordered to undergo medical or psychiatric treatment
26 rendered by a psychiatrist or psychological treatment rendered

1 by a clinical psychologist. The order may be in addition to any
2 other order authorized by this Section.

3 (9) In addition to any other sentencing order, the court
4 shall order any minor found to be guilty for an act which would
5 constitute, predatory criminal sexual assault of a child,
6 aggravated criminal sexual assault, criminal sexual assault,
7 aggravated criminal sexual abuse, or criminal sexual abuse if
8 committed by an adult to undergo medical testing to determine
9 whether the defendant has any sexually transmissible disease
10 including a test for infection with human immunodeficiency
11 virus (HIV) or any other identified causative agency of
12 acquired immunodeficiency syndrome (AIDS). Any medical test
13 shall be performed only by appropriately licensed medical
14 practitioners and may include an analysis of any bodily fluids
15 as well as an examination of the minor's person. Except as
16 otherwise provided by law, the results of the test shall be
17 kept strictly confidential by all medical personnel involved
18 in the testing and must be personally delivered in a sealed
19 envelope to the judge of the court in which the sentencing
20 order was entered for the judge's inspection in camera. Acting
21 in accordance with the best interests of the victim and the
22 public, the judge shall have the discretion to determine to
23 whom the results of the testing may be revealed. The court
24 shall notify the minor of the results of the test for infection
25 with the human immunodeficiency virus (HIV). The court shall
26 also notify the victim if requested by the victim, and if the

1 victim is under the age of 15 and if requested by the victim's
2 parents or legal guardian, the court shall notify the victim's
3 parents or the legal guardian, of the results of the test for
4 infection with the human immunodeficiency virus (HIV). The
5 court shall provide information on the availability of HIV
6 testing and counseling at the Department of Public Health
7 facilities to all parties to whom the results of the testing
8 are revealed. The court shall order that the cost of any test
9 shall be paid by the county and may be taxed as costs against
10 the minor.

11 (10) When a court finds a minor to be guilty the court
12 shall, before entering a sentencing order under this Section,
13 make a finding whether the offense committed either: (a) was
14 related to or in furtherance of the criminal activities of an
15 organized gang or was motivated by the minor's membership in
16 or allegiance to an organized gang, or (b) involved a
17 violation of subsection (a) of Section 12-7.1 of the Criminal
18 Code of 1961 or the Criminal Code of 2012, a violation of any
19 Section of Article 24 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, or a violation of any statute that
21 involved the wrongful use of a firearm. If the court
22 determines the question in the affirmative, and the court does
23 not commit the minor to the Department of Juvenile Justice,
24 the court shall order the minor to perform community service
25 for not less than 30 hours nor more than 120 hours, provided
26 that community service is available in the jurisdiction and is

1 funded and approved by the county board of the county where the
2 offense was committed. The community service shall include,
3 but need not be limited to, the cleanup and repair of any
4 damage caused by a violation of Section 21-1.3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 and similar damage to
6 property located in the municipality or county in which the
7 violation occurred. When possible and reasonable, the
8 community service shall be performed in the minor's
9 neighborhood. This order shall be in addition to any other
10 order authorized by this Section except for an order to place
11 the minor in the custody of the Department of Juvenile
12 Justice. For the purposes of this Section, "organized gang"
13 has the meaning ascribed to it in Section 10 of the Illinois
14 Streetgang Terrorism Omnibus Prevention Act.

15 (11) If the court determines that the offense was
16 committed in furtherance of the criminal activities of an
17 organized gang, as provided in subsection (10), and that the
18 offense involved the operation or use of a motor vehicle or the
19 use of a driver's license or permit, the court shall notify the
20 Secretary of State of that determination and of the period for
21 which the minor shall be denied driving privileges. If, at the
22 time of the determination, the minor does not hold a driver's
23 license or permit, the court shall provide that the minor
24 shall not be issued a driver's license or permit until the
25 minor's ~~his or her~~ 18th birthday. If the minor holds a driver's
26 license or permit at the time of the determination, the court

1 shall provide that the minor's driver's license or permit
2 shall be revoked until the minor's ~~his or her~~ 21st birthday, or
3 until a later date or occurrence determined by the court. If
4 the minor holds a driver's license at the time of the
5 determination, the court may direct the Secretary of State to
6 issue the minor a judicial driving permit, also known as a JDP.
7 The JDP shall be subject to the same terms as a JDP issued
8 under Section 6-206.1 of the Illinois Vehicle Code, except
9 that the court may direct that the JDP be effective
10 immediately.

11 (12) (Blank).

12 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;
13 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

14 (705 ILCS 405/5-711)

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

16 (a) Any minor who is placed in the guardianship of the
17 Department of Children and Family Services under Section 5-710
18 while an application for the Family Support Program was
19 pending with the Department of Healthcare and Family Services
20 or an active application was being reviewed by the Department
21 of Healthcare and Family Services shall continue to be
22 considered eligible for services if all other eligibility
23 criteria are met.

24 (b) The court shall conduct a hearing within 14 days upon
25 notification to all parties that an application for the Family

1 Support Program services has been approved and services are
2 available. At the hearing, the court shall determine whether
3 to vacate guardianship of the Department of Children and
4 Family Services and return the minor to the custody of the
5 parent or guardian with Family Support Program services or
6 whether the minor shall continue in the guardianship of the
7 Department of Children and Family Services and decline the
8 Family Support Program services. In making its determination,
9 the court shall consider the minor's best interest, the
10 involvement of the parent or guardian in proceedings under
11 this Act, the involvement of the parent or guardian in the
12 minor's treatment, the relationship between the minor and the
13 parent or guardian, and any other factor the court deems
14 relevant. If the court vacates the guardianship of the
15 Department of Children and Family Services and returns the
16 minor to the custody of the parent or guardian with Family
17 Support Services, the Department of Healthcare and Family
18 Services shall become financially responsible for providing
19 services to the minor. If the court determines that the minor
20 shall continue in the custody of the Department of Children
21 and Family Services, the Department of Children and Family
22 Services shall remain financially responsible for providing
23 services to the minor, the Family Support Services shall be
24 declined, and the minor shall no longer be eligible for Family
25 Support Services.

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

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

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

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

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

16 (705 ILCS 405/5-715)

17 Sec. 5-715. Probation.

18 (1) The period of probation or conditional discharge shall
19 not exceed 5 years or until the minor has attained the age of
20 21 years, whichever is less, except as provided in this
21 Section for a minor who is found to be guilty for an offense
22 which is first degree murder. The juvenile court may terminate
23 probation or conditional discharge and discharge the minor at
24 any time if warranted by the conduct of the minor and the ends
25 of justice; provided, however, that the period of probation

1 for a minor who is found to be guilty for an offense which is
2 first degree murder shall be at least 5 years.

3 (1.5) The period of probation for a minor who is found
4 guilty of aggravated criminal sexual assault, criminal sexual
5 assault, or aggravated battery with a firearm shall be at
6 least 36 months. The period of probation for a minor who is
7 found to be guilty of any other Class X felony shall be at
8 least 24 months. The period of probation for a Class 1 or Class
9 2 forcible felony shall be at least 18 months. Regardless of
10 the length of probation ordered by the court, for all offenses
11 under this paragraph (1.5), the court shall schedule hearings
12 to determine whether it is in the best interest of the minor
13 and public safety to terminate probation after the minimum
14 period of probation has been served. In such a hearing, there
15 shall be a rebuttable presumption that it is in the best
16 interest of the minor and public safety to terminate
17 probation.

18 (2) The court may as a condition of probation or of
19 conditional discharge require that the minor:

20 (a) not violate any criminal statute of any
21 jurisdiction;

22 (b) make a report to and appear in person before any
23 person or agency as directed by the court;

24 (c) work or pursue a course of study or vocational
25 training;

26 (d) undergo medical or psychiatric treatment, rendered

1 by a psychiatrist or psychological treatment rendered by a
2 clinical psychologist or social work services rendered by
3 a clinical social worker, or treatment for drug addiction
4 or alcoholism;

5 (e) attend or reside in a facility established for the
6 instruction or residence of persons on probation;

7 (f) support the minor's ~~his or her~~ dependents, if any;

8 (g) refrain from possessing a firearm or other
9 dangerous weapon, or an automobile;

10 (h) permit the probation officer to visit the minor
11 ~~him or her~~ at the minor's ~~his or her~~ home or elsewhere;

12 (i) reside with the minor's ~~his or her~~ parents or in a
13 foster home;

14 (j) attend school;

15 (j-5) with the consent of the superintendent of the
16 facility, attend an educational program at a facility
17 other than the school in which the offense was committed
18 if the minor ~~he or she~~ committed a crime of violence as
19 defined in Section 2 of the Crime Victims Compensation Act
20 in a school, on the real property comprising a school, or
21 within 1,000 feet of the real property comprising a
22 school;

23 (k) attend a non-residential program for youth;

24 (l) make restitution under the terms of subsection (4)
25 of Section 5-710;

26 (m) contribute to the minor's ~~his or her~~ own support

1 at home or in a foster home;

2 (n) perform some reasonable public or community
3 service;

4 (o) participate with community corrections programs
5 including unified delinquency intervention services
6 administered by the Department of Human Services subject
7 to Section 5 of the Children and Family Services Act;

8 (p) pay costs;

9 (q) serve a term of home confinement. In addition to
10 any other applicable condition of probation or conditional
11 discharge, the conditions of home confinement shall be
12 that the minor:

13 (i) remain within the interior premises of the
14 place designated for the minor's ~~his or her~~
15 confinement during the hours designated by the court;

16 (ii) admit any person or agent designated by the
17 court into the minor's place of confinement at any
18 time for purposes of verifying the minor's compliance
19 with the conditions of the minor's ~~his or her~~
20 confinement; and

21 (iii) use an approved electronic monitoring device
22 if ordered by the court subject to Article 8A of
23 Chapter V of the Unified Code of Corrections;

24 (r) refrain from entering into a designated geographic
25 area except upon terms as the court finds appropriate. The
26 terms may include consideration of the purpose of the

1 entry, the time of day, other persons accompanying the
2 minor, and advance approval by a probation officer, if the
3 minor has been placed on probation, or advance approval by
4 the court, if the minor has been placed on conditional
5 discharge;

6 (s) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of persons, including but not limited to members of
9 street gangs and drug users or dealers;

10 (s-5) undergo a medical or other procedure to have a
11 tattoo symbolizing allegiance to a street gang removed
12 from the minor's ~~his or her~~ body;

13 (t) refrain from having in the minor's ~~his or her~~ body
14 the presence of any illicit drug prohibited by the
15 Cannabis Control Act, the Illinois Controlled Substances
16 Act, or the Methamphetamine Control and Community
17 Protection Act, unless prescribed by a physician, and
18 shall submit samples of the minor's ~~his or her~~ blood or
19 urine or both for tests to determine the presence of any
20 illicit drug; or

21 (u) comply with other conditions as may be ordered by
22 the court.

23 (3) The court may as a condition of probation or of
24 conditional discharge require that a minor found guilty on any
25 alcohol, cannabis, methamphetamine, or controlled substance
26 violation, refrain from acquiring a driver's license during

1 the period of probation or conditional discharge. If the minor
2 is in possession of a permit or license, the court may require
3 that the minor refrain from driving or operating any motor
4 vehicle during the period of probation or conditional
5 discharge, except as may be necessary in the course of the
6 minor's lawful employment.

7 (3.5) The court shall, as a condition of probation or of
8 conditional discharge, require that a minor found to be guilty
9 and placed on probation for reasons that include a violation
10 of Section 3.02 or Section 3.03 of the Humane Care for Animals
11 Act or paragraph (4) of subsection (a) of Section 21-1 of the
12 Criminal Code of 2012 undergo medical or psychiatric treatment
13 rendered by a psychiatrist or psychological treatment rendered
14 by a clinical psychologist. The condition may be in addition
15 to any other condition.

16 (3.10) The court shall order that a minor placed on
17 probation or conditional discharge for a sex offense as
18 defined in the Sex Offender Management Board Act undergo and
19 successfully complete sex offender treatment. The treatment
20 shall be in conformance with the standards developed under the
21 Sex Offender Management Board Act and conducted by a treatment
22 provider approved by the Board. The treatment shall be at the
23 expense of the person evaluated based upon that person's
24 ability to pay for the treatment.

25 (4) A minor on probation or conditional discharge shall be
26 given a certificate setting forth the conditions upon which

1 the minor ~~he or she~~ is being released.

2 (5) The court shall impose upon a minor placed on
3 probation or conditional discharge, as a condition of the
4 probation or conditional discharge, a fee of \$50 for each
5 month of probation or conditional discharge supervision
6 ordered by the court, unless after determining the inability
7 of the minor placed on probation or conditional discharge to
8 pay the fee, the court assesses a lesser amount. The court may
9 not impose the fee on a minor who is placed in the guardianship
10 or custody of the Department of Children and Family Services
11 under this Act while the minor is in placement. The fee shall
12 be imposed only upon a minor who is actively supervised by the
13 probation and court services department. The court may order
14 the parent, guardian, or legal custodian of the minor to pay
15 some or all of the fee on the minor's behalf.

16 (5.5) Jurisdiction over an offender may be transferred
17 from the sentencing court to the court of another circuit with
18 the concurrence of both courts. Further transfers or
19 retransfers of jurisdiction are also authorized in the same
20 manner. The court to which jurisdiction has been transferred
21 shall have the same powers as the sentencing court. The
22 probation department within the circuit to which jurisdiction
23 has been transferred, or which has agreed to provide
24 supervision, may impose probation fees upon receiving the
25 transferred offender, as provided in subsection (i) of Section
26 5-6-3 of the Unified Code of Corrections. For all transfer

1 cases, as defined in Section 9b of the Probation and Probation
2 Officers Act, the probation department from the original
3 sentencing court shall retain all probation fees collected
4 prior to the transfer. After the transfer, all probation fees
5 shall be paid to the probation department within the circuit
6 to which jurisdiction has been transferred.

7 If the transfer case originated in another state and has
8 been transferred under the Interstate Compact for Juveniles to
9 the jurisdiction of an Illinois circuit court for supervision
10 by an Illinois probation department, probation fees may be
11 imposed only if permitted by the Interstate Commission for
12 Juveniles.

13 (6) The General Assembly finds that in order to protect
14 the public, the juvenile justice system must compel compliance
15 with the conditions of probation by responding to violations
16 with swift, certain, and fair punishments and intermediate
17 sanctions. The Chief Judge of each circuit shall adopt a
18 system of structured, intermediate sanctions for violations of
19 the terms and conditions of a sentence of supervision,
20 probation or conditional discharge, under this Act.

21 The court shall provide as a condition of a disposition of
22 probation, conditional discharge, or supervision, that the
23 probation agency may invoke any sanction from the list of
24 intermediate sanctions adopted by the chief judge of the
25 circuit court for violations of the terms and conditions of
26 the sentence of probation, conditional discharge, or

1 supervision, subject to the provisions of Section 5-720 of
2 this Act.

3 (Source: P.A. 99-879, eff. 1-1-17; 100-159, eff. 8-18-17.)

4 (705 ILCS 405/5-720)

5 Sec. 5-720. Probation revocation.

6 (1) If a petition is filed charging a violation of a
7 condition of probation or of conditional discharge, the court
8 shall:

9 (a) order the minor to appear; or

10 (b) order the minor's detention if the court finds
11 that the detention is a matter of immediate and urgent
12 necessity for the protection of the minor or of the person
13 or property of another or that the minor is likely to flee
14 the jurisdiction of the court, provided that any such
15 detention shall be in a juvenile detention home and the
16 minor so detained shall be 10 years of age or older; and

17 (c) notify the persons named in the petition under
18 Section 5-520, in accordance with the provisions of
19 Section 5-530.

20 In making its detention determination under paragraph (b)
21 of this subsection (1) of this Section, the court may use
22 information in its findings offered at such a hearing by way of
23 proffer based upon reliable information presented by the
24 State, probation officer, or the minor. The filing of a
25 petition for violation of a condition of probation or of

1 conditional discharge shall toll the period of probation or of
2 conditional discharge until the final determination of the
3 charge, and the term of probation or conditional discharge
4 shall not run until the hearing and disposition of the
5 petition for violation.

6 (2) The court shall conduct a hearing of the alleged
7 violation of probation or of conditional discharge. The minor
8 shall not be held in detention longer than 15 days pending the
9 determination of the alleged violation.

10 (3) At the hearing, the State shall have the burden of
11 going forward with the evidence and proving the violation by a
12 preponderance of the evidence. The evidence shall be presented
13 in court with the right of confrontation, cross-examination,
14 and representation by counsel.

15 (4) If the court finds that the minor has violated a
16 condition at any time prior to the expiration or termination
17 of the period of probation or conditional discharge, it may
18 continue the minor ~~him or her~~ on the existing sentence, with or
19 without modifying or enlarging the conditions, or may revoke
20 probation or conditional discharge and impose any other
21 sentence that was available under Section 5-710 at the time of
22 the initial sentence.

23 (5) The conditions of probation and of conditional
24 discharge may be reduced or enlarged by the court on motion of
25 the probation officer or on its own motion or at the request of
26 the minor after notice and hearing under this Section.

1 (6) Sentencing after revocation of probation or of
2 conditional discharge shall be under Section 5-705.

3 (7) Instead of filing a violation of probation or of
4 conditional discharge, the probation officer, with the
5 concurrence of the probation officer's ~~his or her~~ supervisor,
6 may serve on the minor a notice of intermediate sanctions. The
7 notice shall contain the technical violation or violations
8 involved, the date or dates of the violation or violations,
9 and the intermediate sanctions to be imposed. Upon receipt of
10 the notice, the minor shall immediately accept or reject the
11 intermediate sanctions. If the sanctions are accepted, they
12 shall be imposed immediately. If the intermediate sanctions
13 are rejected or the minor does not respond to the notice, a
14 violation of probation or of conditional discharge shall be
15 immediately filed with the court. The State's Attorney and the
16 sentencing court shall be notified of the notice of sanctions.
17 Upon successful completion of the intermediate sanctions, a
18 court may not revoke probation or conditional discharge or
19 impose additional sanctions for the same violation. A notice
20 of intermediate sanctions may not be issued for any violation
21 of probation or conditional discharge which could warrant an
22 additional, separate felony charge.

23 (Source: P.A. 90-590, eff. 1-1-99.)

24 (705 ILCS 405/5-725)

25 Sec. 5-725. Protective supervision. If the sentencing

1 order releases the minor to the custody of the minor's ~~his or~~
2 ~~her~~ parents, guardian or legal custodian, or continues the
3 minor ~~him or her~~ in such custody, the court may place the
4 person having custody of the minor, except for representatives
5 of private or public agencies or governmental departments,
6 under supervision of the probation office. Rules or orders of
7 court shall define the terms and conditions of protective
8 supervision, which may be modified or terminated when the
9 court finds that the best interests of the minor and the public
10 will be served by modifying or terminating protective
11 supervision.

12 (Source: P.A. 90-590, eff. 1-1-99.)

13 (705 ILCS 405/5-730)

14 Sec. 5-730. Order of protection.

15 (1) The court may make an order of protection in
16 assistance of or as a condition of any other order authorized
17 by this Act. The order of protection may set forth reasonable
18 conditions of behavior to be observed for a specified period.

19 The order may require a person:

20 (a) to stay away from the home or the minor;

21 (b) to permit a parent to visit the minor at stated
22 periods;

23 (c) to abstain from offensive conduct against the
24 minor, the minor's ~~his or her~~ parent or any person to whom
25 custody of the minor is awarded;

1 (d) to give proper attention to the care of the home;

2 (e) to cooperate in good faith with an agency to which
3 custody of a minor is entrusted by the court or with an
4 agency or association to which the minor is referred by
5 the court;

6 (f) to prohibit and prevent any contact whatsoever
7 with the respondent minor by a specified individual or
8 individuals who are alleged in either a criminal or
9 juvenile proceeding to have caused injury to a respondent
10 minor or a sibling of a respondent minor;

11 (g) to refrain from acts of commission or omission
12 that tend to make the home not a proper place for the
13 minor.

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 the 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 best interests of
15 the minor and the public will be served by the modification,
16 extension, or termination.

17 (5) An order of protection may be sought at any time during
18 the course of any proceeding conducted under this Act. Any
19 person against whom an order of protection is sought may
20 retain counsel to represent the person ~~him or her~~ at a hearing,
21 and has rights to be present at the hearing, to be informed
22 prior to the hearing in writing of the contents of the petition
23 seeking a protective order and of the date, place, and time of
24 the hearing, and to cross-examine witnesses called by the
25 petitioner and to present witnesses and argument in opposition
26 to the relief sought in the petition.

1 (6) Diligent efforts shall be made by the petitioner to
2 serve any person or persons against whom any order of
3 protection is sought with written notice of the contents of
4 the petition seeking a protective order and of the date, place
5 and time at which the hearing on the petition is to be held.
6 When a protective order is being sought in conjunction with a
7 shelter care or detention hearing, if the court finds that the
8 person against whom the protective order is being sought has
9 been notified of the hearing or that diligent efforts have
10 been made to notify the person, the court may conduct a
11 hearing. If a protective order is sought at any time other than
12 in conjunction with a shelter care or detention hearing, the
13 court may not conduct a hearing on the petition in the absence
14 of the person against whom the order is sought unless the
15 petitioner has notified the person by personal service at
16 least 3 days before the hearing or has sent written notice by
17 first class mail to the person's last known address at least 5
18 days before the hearing.

19 (7) A person against whom an order of protection is being
20 sought who is neither a parent, guardian, or legal custodian
21 or responsible relative as described in Section 1-5 of this
22 Act or is not a party or respondent as defined in that Section
23 shall not be entitled to the rights provided in that Section.
24 The person does not have a right to appointed counsel or to be
25 present at any hearing other than the hearing in which the
26 order of protection is being sought or a hearing directly

1 pertaining to that order. Unless the court orders otherwise,
2 the person does not have a right to inspect the court file.

3 (8) All protective orders entered under this Section shall
4 be in writing. Unless the person against whom the order was
5 obtained was present in court when the order was issued, the
6 sheriff, other law enforcement official, or special process
7 server shall promptly serve that order upon that person and
8 file proof of that service, in the manner provided for service
9 of process in civil proceedings. The person against whom the
10 protective order was obtained may seek a modification of the
11 order by filing a written motion to modify the order within 7
12 days after actual receipt by the person of a copy of the order.

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

14 (705 ILCS 405/5-735)

15 Sec. 5-735. Enforcement of orders of protective
16 supervision or of protection.

17 (1) Orders of protective supervision and orders of
18 protection may be enforced by citation to show cause for
19 contempt of court by reason of any violation of the order and,
20 where protection of the welfare of the minor so requires, by
21 the issuance of a warrant to take the alleged violator into
22 custody and bring the minor ~~him or her~~ before the court.

23 (2) In any case where an order of protection has been
24 entered, the clerk of the court may issue to the petitioner, to
25 the minor or to any other person affected by the order a

1 certificate stating that an order of protection has been made
2 by the court concerning those persons and setting forth its
3 terms and requirements. The presentation of the certificate to
4 any peace officer authorizes the officer ~~him or her~~ to take
5 into custody a person charged with violating the terms of the
6 order of protection, to bring the person before the court and,
7 within the limits of the officer's ~~his or her~~ legal authority
8 as a peace officer, otherwise to aid in securing the
9 protection the order is intended to afford.

10 (Source: P.A. 90-590, eff. 1-1-99.)

11 (705 ILCS 405/5-740)

12 Sec. 5-740. Placement; legal custody or guardianship.

13 (1) If the court finds that the parents, guardian, or
14 legal custodian of a minor adjudged a ward of the court are
15 unfit or are unable, for some reason other than financial
16 circumstances alone, to care for, protect, train or discipline
17 the minor or are unwilling to do so, and that appropriate
18 services aimed at family preservation and family reunification
19 have been unsuccessful in rectifying the conditions which have
20 led to a finding of unfitness or inability to care for,
21 protect, train or discipline the minor, and that it is in the
22 best interest of the minor to take the minor ~~him or her~~ from
23 the custody of the minor's ~~his or her~~ parents, guardian or
24 custodian, the court may:

25 (a) place the minor ~~him or her~~ in the custody of a

1 suitable relative or other person;

2 (b) place the minor ~~him or her~~ under the guardianship
3 of a probation officer;

4 (c) commit the minor ~~him or her~~ to an agency for care
5 or placement, except an institution under the authority of
6 the Department of Juvenile Justice or of the Department of
7 Children and Family Services;

8 (d) commit the minor ~~him or her~~ to some licensed
9 training school or industrial school; or

10 (e) commit the minor ~~him or her~~ to any appropriate
11 institution having among its purposes the care of
12 delinquent children, including a child protective facility
13 maintained by a child protection district serving the
14 county from which commitment is made, but not including
15 any institution under the authority of the Department of
16 Juvenile Justice or of the Department of Children and
17 Family Services.

18 (2) When making such placement, the court, wherever
19 possible, shall select a person holding the same religious
20 belief as that of the minor or a private agency controlled by
21 persons of like religious faith of the minor and shall require
22 the Department of Children and Family Services to otherwise
23 comply with Section 7 of the Children and Family Services Act
24 in placing the child. In addition, whenever alternative plans
25 for placement are available, the court shall ascertain and
26 consider, to the extent appropriate in the particular case,

1 the views and preferences of the minor.

2 (3) When a minor is placed with a suitable relative or
3 other person, the court shall appoint the suitable relative or
4 other person ~~him or her~~ the legal custodian or guardian of the
5 person of the minor. When a minor is committed to any agency,
6 the court shall appoint the proper officer or representative
7 of the proper officer as legal custodian or guardian of the
8 person of the minor. Legal custodians and guardians of the
9 person of the minor have the respective rights and duties set
10 forth in subsection (9) of Section 5-105 except as otherwise
11 provided by order of court; but no guardian of the person may
12 consent to adoption of the minor. An agency whose
13 representative is appointed guardian of the person or legal
14 custodian of the minor may place the minor ~~him or her~~ in any
15 child care facility, but the facility must be licensed under
16 the Child Care Act of 1969 or have been approved by the
17 Department of Children and Family Services as meeting the
18 standards established for such licensing. Like authority and
19 restrictions shall be conferred by the court upon any
20 probation officer who has been appointed guardian of the
21 person of a minor.

22 (4) No placement by any probation officer or agency whose
23 representative is appointed guardian of the person or legal
24 custodian of a minor may be made in any out of State child care
25 facility unless it complies with the Interstate Compact on the
26 Placement of Children.

1 (5) The clerk of the court shall issue to the guardian or
2 legal custodian of the person a certified copy of the order of
3 court, as proof of the guardian's or legal custodian's ~~his or~~
4 ~~her~~ authority. No other process is necessary as authority for
5 the keeping of the minor.

6 (6) Legal custody or guardianship granted under this
7 Section continues until the court otherwise directs, but not
8 after the minor reaches the age of 21 years except as set forth
9 in Section 5-750.

10 (Source: P.A. 99-628, eff. 1-1-17.)

11 (705 ILCS 405/5-745)

12 Sec. 5-745. Court review.

13 (1) The court may require any legal custodian or guardian
14 of the person appointed under this Act, including the
15 Department of Juvenile Justice for youth committed under
16 Section 5-750 of this Act, to report periodically to the court
17 or may cite the legal custodian or guardian ~~him or her~~ into
18 court and require the legal custodian or guardian ~~him or her~~,
19 or the legal custodian's or guardian's ~~his or her~~ agency, to
20 make a full and accurate report of the ~~his or her or its~~ doings
21 of the legal custodian, guardian, or agency on ~~in~~ behalf of the
22 minor, including efforts to secure post-release placement of
23 the youth after release from the Department's facilities. The
24 legal custodian or guardian, within 10 days after the
25 citation, shall make the report, either in writing verified by

1 affidavit or orally under oath in open court, or otherwise as
2 the court directs. Upon the hearing of the report the court may
3 remove the legal custodian or guardian and appoint another in
4 the legal custodian's or guardian's ~~his or her~~ stead or
5 restore the minor to the custody of the minor's ~~his or her~~
6 parents or former guardian or legal custodian.

7 (2) If the Department of Children and Family Services is
8 appointed legal custodian or guardian of a minor under Section
9 5-740 of this Act, the Department of Children and Family
10 Services shall file updated case plans with the court every 6
11 months. Every agency which has guardianship of a child shall
12 file a supplemental petition for court review, or review by an
13 administrative body appointed or approved by the court and
14 further order within 18 months of the sentencing order and
15 each 18 months thereafter. The petition shall state facts
16 relative to the child's present condition of physical, mental
17 and emotional health as well as facts relative to the minor's
18 ~~his or her~~ present custodial or foster care. The petition
19 shall be set for hearing and the clerk shall mail 10 days
20 notice of the hearing by certified mail, return receipt
21 requested, to the person or agency having the physical custody
22 of the child, the minor and other interested parties unless a
23 written waiver of notice is filed with the petition.

24 If the minor is in the custody of the Illinois Department
25 of Children and Family Services, pursuant to an order entered
26 under this Article, the court shall conduct permanency

1 hearings as set out in subsections (1), (2), and (3) of Section
2 2-28 of Article II of this Act.

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

6 (3) The minor or any person interested in the minor may
7 apply to the court for a change in custody of the minor and the
8 appointment of a new custodian or guardian of the person or for
9 the restoration of the minor to the custody of the minor's ~~his~~
10 ~~or her~~ parents or former guardian or custodian. In the event
11 that the minor has attained 18 years of age and the guardian or
12 custodian petitions the court for an order terminating the
13 minor's ~~his or her~~ guardianship or custody, guardianship or
14 legal custody shall terminate automatically 30 days after the
15 receipt of the petition unless the court orders otherwise. No
16 legal custodian or guardian of the person may be removed
17 without the legal custodian's or guardian's ~~his or her~~ consent
18 until given notice and an opportunity to be heard by the court.

19 (4) If the minor is committed to the Department of
20 Juvenile Justice under Section 5-750 of this Act, the
21 Department shall notify the court in writing of the occurrence
22 of any of the following:

23 (a) a critical incident involving a youth committed to
24 the Department; as used in this paragraph (a), "critical
25 incident" means any incident that involves a serious risk
26 to the life, health, or well-being of the youth and

1 includes, but is not limited to, an accident or suicide
2 attempt resulting in serious bodily harm or
3 hospitalization, psychiatric hospitalization, alleged or
4 suspected abuse, or escape or attempted escape from
5 custody, filed within 10 days of the occurrence;

6 (b) a youth who has been released by the Prisoner
7 Review Board but remains in a Department facility solely
8 because the youth does not have an approved aftercare
9 release host site, filed within 10 days of the occurrence;

10 (c) a youth, except a youth who has been adjudicated a
11 habitual or violent juvenile offender under Section 5-815
12 or 5-820 of this Act or committed for first degree murder,
13 who has been held in a Department facility for over one
14 consecutive year; or

15 (d) if a report has been filed under paragraph (c) of
16 this subsection, a supplemental report shall be filed
17 every 6 months thereafter.

18 The notification required by this subsection (4) shall contain
19 a brief description of the incident or situation and a summary
20 of the youth's current physical, mental, and emotional health
21 and the actions the Department took in response to the
22 incident or to identify an aftercare release host site, as
23 applicable. Upon receipt of the notification, the court may
24 require the Department to make a full report under subsection
25 (1) of this Section.

26 (5) With respect to any report required to be filed with

1 the court under this Section, the Independent Juvenile
2 Ombudsperson ~~Ombudsman~~ shall provide a copy to the minor's
3 court appointed guardian ad litem, if the Department has
4 received written notice of the appointment, and to the minor's
5 attorney, if the Department has received written notice of
6 representation from the attorney. If the Department has a
7 record that a guardian has been appointed for the minor and a
8 record of the last known address of the minor's court
9 appointed guardian, the Independent Juvenile Ombudsperson
10 ~~Ombudsman~~ shall send a notice to the guardian that the report
11 is available and will be provided by the Independent Juvenile
12 Ombudsperson ~~Ombudsman~~ upon request. If the Department has no
13 record regarding the appointment of a guardian for the minor,
14 and the Department's records include the last known addresses
15 of the minor's parents, the Independent Juvenile Ombudsperson
16 ~~Ombudsman~~ shall send a notice to the parents that the report is
17 available and will be provided by the Independent Juvenile
18 Ombudsperson ~~Ombudsman~~ upon request.

19 (Source: P.A. 99-628, eff. 1-1-17; 99-664, eff. 1-1-17;
20 100-201, eff. 8-18-17.)

21 (705 ILCS 405/5-750)

22 Sec. 5-750. Commitment to the Department of Juvenile
23 Justice.

24 (1) Except as provided in subsection (2) of this Section,
25 when any delinquent has been adjudged a ward of the court under

1 this Act, the court may commit the minor ~~him or her~~ to the
2 Department of Juvenile Justice, if it finds that (a) the
3 minor's ~~his or her~~ parents, guardian or legal custodian are
4 unfit or are unable, for some reason other than financial
5 circumstances alone, to care for, protect, train or discipline
6 the minor, or are unwilling to do so, and the best interests of
7 the minor and the public will not be served by placement under
8 Section 5-740, or it is necessary to ensure the protection of
9 the public from the consequences of criminal activity of the
10 delinquent; and (b) commitment to the Department of Juvenile
11 Justice is the least restrictive alternative based on evidence
12 that efforts were made to locate less restrictive alternatives
13 to secure confinement and the reasons why efforts were
14 unsuccessful in locating a less restrictive alternative to
15 secure confinement. Before the court commits a minor to the
16 Department of Juvenile Justice, it shall make a finding that
17 secure confinement is necessary, following a review of the
18 following individualized factors:

19 (A) Age of the minor.

20 (B) Criminal background of the minor.

21 (C) Review of results of any assessments of the minor,
22 including child centered assessments such as the CANS.

23 (D) Educational background of the minor, indicating
24 whether the minor has ever been assessed for a learning
25 disability, and if so what services were provided as well
26 as any disciplinary incidents at school.

1 (E) Physical, mental and emotional health of the
2 minor, indicating whether the minor has ever been
3 diagnosed with a health issue and if so what services were
4 provided and whether the minor was compliant with
5 services.

6 (F) Community based services that have been provided
7 to the minor, and whether the minor was compliant with the
8 services, and the reason the services were unsuccessful.

9 (G) Services within the Department of Juvenile Justice
10 that will meet the individualized needs of the minor.

11 (1.5) Before the court commits a minor to the Department
12 of Juvenile Justice, the court must find reasonable efforts
13 have been made to prevent or eliminate the need for the minor
14 to be removed from the home, or reasonable efforts cannot, at
15 this time, for good cause, prevent or eliminate the need for
16 removal, and removal from home is in the best interests of the
17 minor, the minor's family, and the public.

18 (2) When a minor of the age of at least 13 years is
19 adjudged delinquent for the offense of first degree murder,
20 the court shall declare the minor a ward of the court and order
21 the minor committed to the Department of Juvenile Justice
22 until the minor's 21st birthday, without the possibility of
23 aftercare release, furlough, or non-emergency authorized
24 absence for a period of 5 years from the date the minor was
25 committed to the Department of Juvenile Justice, except that
26 the time that a minor spent in custody for the instant offense

1 before being committed to the Department of Juvenile Justice
2 shall be considered as time credited towards that 5 year
3 period. Upon release from a Department facility, a minor
4 adjudged delinquent for first degree murder shall be placed on
5 aftercare release until the age of 21, unless sooner
6 discharged from aftercare release or custodianship is
7 otherwise terminated in accordance with this Act or as
8 otherwise provided for by law. Nothing in this subsection (2)
9 shall preclude the State's Attorney from seeking to prosecute
10 a minor as an adult as an alternative to proceeding under this
11 Act.

12 (3) Except as provided in subsection (2), the commitment
13 of a delinquent to the Department of Juvenile Justice shall be
14 for an indeterminate term which shall automatically terminate
15 upon the delinquent attaining the age of 21 years or upon
16 completion of that period for which an adult could be
17 committed for the same act, whichever occurs sooner, unless
18 the delinquent is sooner discharged from aftercare release or
19 custodianship is otherwise terminated in accordance with this
20 Act or as otherwise provided for by law.

21 (3.5) Every delinquent minor committed to the Department
22 of Juvenile Justice under this Act shall be eligible for
23 aftercare release without regard to the length of time the
24 minor has been confined or whether the minor has served any
25 minimum term imposed. Aftercare release shall be administered
26 by the Department of Juvenile Justice, under the direction of

1 the Director. Unless sooner discharged, the Department of
2 Juvenile Justice shall discharge a minor from aftercare
3 release upon completion of the following aftercare release
4 terms:

5 (a) One and a half years from the date a minor is
6 released from a Department facility, if the minor was
7 committed for a Class X felony;

8 (b) One year from the date a minor is released from a
9 Department facility, if the minor was committed for a
10 Class 1 or 2 felony; and

11 (c) Six months from the date a minor is released from a
12 Department facility, if the minor was committed for a
13 Class 3 felony or lesser offense.

14 (4) When the court commits a minor to the Department of
15 Juvenile Justice, it shall order the minor ~~him or her~~ conveyed
16 forthwith to the appropriate reception station or other place
17 designated by the Department of Juvenile Justice, and shall
18 appoint the Director of Juvenile Justice legal custodian of
19 the minor. The clerk of the court shall issue to the Director
20 of Juvenile Justice a certified copy of the order, which
21 constitutes proof of the Director's authority. No other
22 process need issue to warrant the keeping of the minor.

23 (5) If a minor is committed to the Department of Juvenile
24 Justice, the clerk of the court shall forward to the
25 Department:

26 (a) the sentencing order and copies of committing

- 1 petition;
- 2 (b) all reports;
- 3 (c) the court's statement of the basis for ordering
4 the disposition;
- 5 (d) any sex offender evaluations;
- 6 (e) any risk assessment or substance abuse treatment
7 eligibility screening and assessment of the minor by an
8 agent designated by the State to provide assessment
9 services for the courts;
- 10 (f) the number of days, if any, which the minor has
11 been in custody and for which the minor ~~he or she~~ is
12 entitled to credit against the sentence, which information
13 shall be provided to the clerk by the sheriff;
- 14 (g) any medical or mental health records or summaries
15 of the minor;
- 16 (h) the municipality where the arrest of the minor
17 occurred, the commission of the offense occurred, and the
18 minor resided at the time of commission;
- 19 (h-5) a report detailing the minor's criminal history
20 in a manner and form prescribed by the Department of
21 Juvenile Justice;
- 22 (i) all additional matters which the court directs the
23 clerk to transmit; and
- 24 (j) all police reports for sex offenses as defined by
25 the Sex Offender Management Board Act.
- 26 (6) Whenever the Department of Juvenile Justice lawfully

1 discharges from its custody and control a minor committed to
2 it, the Director of Juvenile Justice shall petition the court
3 for an order terminating the minor's ~~his or her~~ custodianship.
4 The custodianship shall terminate automatically 30 days after
5 receipt of the petition unless the court orders otherwise.

6 (7) If, while on aftercare release, a minor committed to
7 the Department of Juvenile Justice who resides in this State
8 is charged under the criminal laws of this State, the criminal
9 laws of any other state, or federal law with an offense that
10 could result in a sentence of imprisonment within the
11 Department of Corrections, the penal system of any state, or
12 the federal Bureau of Prisons, the commitment to the
13 Department of Juvenile Justice and all rights and duties
14 created by that commitment are automatically suspended pending
15 final disposition of the criminal charge. If the minor is
16 found guilty of the criminal charge and sentenced to a term of
17 imprisonment in the penitentiary system of the Department of
18 Corrections, the penal system of any state, or the federal
19 Bureau of Prisons, the commitment to the Department of
20 Juvenile Justice shall be automatically terminated. If the
21 criminal charge is dismissed, the minor is found not guilty,
22 or the minor completes a criminal sentence other than
23 imprisonment within the Department of Corrections, the penal
24 system of any state, or the federal Bureau of Prisons, the
25 previously imposed commitment to the Department of Juvenile
26 Justice and the full aftercare release term shall be

1 automatically reinstated unless custodianship is sooner
2 terminated. Nothing in this subsection (7) shall preclude the
3 court from ordering another sentence under Section 5-710 of
4 this Act or from terminating the Department's custodianship
5 while the commitment to the Department is suspended.

6 (Source: P.A. 101-159, eff. 1-1-20; 102-350, eff. 8-13-21.)

7 (705 ILCS 405/5-755)

8 Sec. 5-755. Duration of wardship and discharge of
9 proceedings.

10 (1) All proceedings under this Act in respect of any minor
11 for whom a petition was filed on or after the effective date of
12 this amendatory Act of 1998 automatically terminate upon the
13 minor ~~his or her~~ attaining the age of 21 years except that
14 provided in Section 5-810.

15 (2) Whenever the court finds that the best interests of
16 the minor and the public no longer require the wardship of the
17 court, the court shall order the wardship terminated and all
18 proceedings under this Act respecting that minor finally
19 closed and discharged. The court may at the same time continue
20 or terminate any custodianship or guardianship previously
21 ordered but the termination must be made in compliance with
22 Section 5-745.

23 (3) The wardship of the minor and any legal custodianship
24 or guardianship respecting the minor for whom a petition was
25 filed on or after the effective date of this amendatory Act of

1 1998 automatically terminates when the minor ~~he or she~~ attains
2 the age of 21 years except as set forth in subsection (1) of
3 this Section. The clerk of the court shall at that time record
4 all proceedings under this Act as finally closed and
5 discharged for that reason.

6 (Source: P.A. 90-590, eff. 1-1-99.)

7 (705 ILCS 405/5-7A-105)

8 Sec. 5-7A-105. Definitions. As used in this Article:

9 (a) "Approved electronic monitoring device" means a device
10 approved by the supervising authority that is primarily
11 intended to record or transmit information as to the minor's
12 presence or nonpresence in the home. An approved electronic
13 monitoring device may record or transmit: oral or wire
14 communications or an auditory sound; visual images; or
15 information regarding the minor's activities while inside the
16 offender's home. These devices are subject to the required
17 consent as set forth in Section 5-7A-125 of this Article. An
18 approved electronic monitoring device may be used to record a
19 conversation between the participant and the monitoring
20 device, or the participant and the person supervising the
21 participant solely for the purpose of identification and not
22 for the purpose of eavesdropping or conducting any other
23 illegally intrusive monitoring.

24 (b) "Excluded offenses" means any act if committed by an
25 adult would constitute first degree murder, escape, aggravated

1 criminal sexual assault, criminal sexual assault, aggravated
2 battery with a firearm, bringing or possessing a firearm,
3 ammunition, or explosive in a penal institution, any "Super-X"
4 drug offense or calculated criminal drug conspiracy or
5 streetgang criminal drug conspiracy, or any predecessor or
6 successor offenses with the same or substantially the same
7 elements, or any inchoate offenses relating to the foregoing
8 offenses.

9 (c) "Home detention" means the confinement of a minor
10 adjudicated delinquent or subject to an adjudicatory hearing
11 under Article V for an act that if committed by an adult would
12 be an offense to the minor's ~~his or her~~ place of residence
13 under the terms and conditions established by the supervising
14 authority.

15 (d) "Participant" means a minor placed into an electronic
16 monitoring program.

17 (e) "Supervising authority" means the Department of
18 Juvenile Justice, probation supervisory authority, sheriff,
19 superintendent of a juvenile detention center, or any other
20 officer or agency charged with authorizing and supervising
21 home detention.

22 (f) "Super-X drug offense" means a violation of clause
23 (a)(1)(B), (C), or (D) of Section 401; clause (a)(2)(B), (C),
24 or (D) of Section 401; clause (a)(3)(B), (C), or (D) of Section
25 401; or clause (a)(7)(B), (C), or (D) of Section 401 of the
26 Illinois Controlled Substances Act.

1 (Source: P.A. 96-293, eff. 1-1-10.)

2 (705 ILCS 405/5-7A-115)

3 Sec. 5-7A-115. Program description. The supervising
4 authority may promulgate rules that prescribe reasonable
5 guidelines under which an electronic monitoring and home
6 detention program shall operate. These rules shall include,
7 but not be limited to, the following:

8 (A) The participant shall remain within the interior
9 premises or within the property boundaries of the
10 participant's ~~his or her~~ residence at all times during the
11 hours designated by the supervising authority. Such
12 instances of approved absences from the home may include,
13 but are not limited to, the following:

14 (1) working or employment approved by the court or
15 traveling to or from approved employment;

16 (2) unemployed and seeking employment approved for
17 the participant by the court;

18 (3) undergoing medical, psychiatric, mental health
19 treatment, counseling, or other treatment programs
20 approved for the participant by the court;

21 (4) attending an educational institution or a
22 program approved for the participant by the court;

23 (5) attending a regularly scheduled religious
24 service at a place of worship;

25 (6) participating in community work release or

1 community service programs approved for the
2 participant by the supervising authority; or

3 (7) for another compelling reason consistent with
4 the public interest, as approved by the supervising
5 authority.

6 (B) The participant shall admit any person or agent
7 designated by the supervising authority into the
8 participant's ~~his or her~~ residence at any time for
9 purposes of verifying the participant's compliance with
10 the conditions of the participant's ~~his or her~~ detention.

11 (C) The participant shall make the necessary
12 arrangements to allow for any person or agent designated
13 by the supervising authority to visit the participant's
14 place of education or employment at any time, based upon
15 the approval of the educational institution or employer or
16 both, for the purpose of verifying the participant's
17 compliance with the conditions of the participant's ~~his or~~
18 ~~her~~ detention.

19 (D) The participant shall acknowledge and participate
20 with the approved electronic monitoring device as
21 designated by the supervising authority at any time for
22 the purpose of verifying the participant's compliance with
23 the conditions of the participant's ~~his or her~~ detention.

24 (E) The participant shall maintain the following:

25 (1) a working telephone in the participant's home;

26 (2) a monitoring device in the participant's home

1 or on the participant's person, or both; and

2 (3) a monitoring device in the participant's home
3 and on the participant's person in the absence of a
4 telephone.

5 (F) The participant shall obtain approval from the
6 supervising authority before the participant changes
7 residence or the schedule described in paragraph (A) of
8 this Section.

9 (G) The participant shall not commit another act that
10 if committed by an adult would constitute a crime during
11 the period of home detention ordered by the court.

12 (H) Notice to the participant that violation of the
13 order for home detention may subject the participant to an
14 adjudicatory hearing for escape as described in Section
15 5-7A-120.

16 (I) The participant shall abide by other conditions as
17 set by the supervising authority.

18 (Source: P.A. 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

19 (705 ILCS 405/5-810)

20 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

21 (1) (a) If the State's Attorney files a petition, at any
22 time prior to commencement of the minor's trial, to designate
23 the proceeding as an extended jurisdiction juvenile
24 prosecution and the petition alleges the commission by a minor
25 13 years of age or older of any offense which would be a felony

1 if committed by an adult, and, if the juvenile judge assigned
2 to hear and determine petitions to designate the proceeding as
3 an extended jurisdiction juvenile prosecution determines that
4 there is probable cause to believe that the allegations in the
5 petition and motion are true, there is a rebuttable
6 presumption that the proceeding shall be designated as an
7 extended jurisdiction juvenile proceeding.

8 (b) The judge shall enter an order designating the
9 proceeding as an extended jurisdiction juvenile proceeding
10 unless the judge makes a finding based on clear and convincing
11 evidence that sentencing under the Chapter V of the Unified
12 Code of Corrections would not be appropriate for the minor
13 based on an evaluation of the following factors:

14 (i) the age of the minor;

15 (ii) the history of the minor, including:

16 (A) any previous delinquent or criminal history of
17 the minor,

18 (B) any previous abuse or neglect history of the
19 minor, and

20 (C) any mental health, physical and/or educational
21 history of the minor;

22 (iii) the circumstances of the offense, including:

23 (A) the seriousness of the offense,

24 (B) whether the minor is charged through
25 accountability,

26 (C) whether there is evidence the offense was

1 committed in an aggressive and premeditated manner,
2 (D) whether there is evidence the offense caused
3 serious bodily harm,

4 (E) whether there is evidence the minor possessed
5 a deadly weapon;

6 (iv) the advantages of treatment within the juvenile
7 justice system including whether there are facilities or
8 programs, or both, particularly available in the juvenile
9 system;

10 (v) whether the security of the public requires
11 sentencing under Chapter V of the Unified Code of
12 Corrections:

13 (A) the minor's history of services, including the
14 minor's willingness to participate meaningfully in
15 available services;

16 (B) whether there is a reasonable likelihood that
17 the minor can be rehabilitated before the expiration
18 of the juvenile court's jurisdiction;

19 (C) the adequacy of the punishment or services.

20 In considering these factors, the court shall give greater
21 weight to the seriousness of the alleged offense, and the
22 minor's prior record of delinquency than to other factors
23 listed in this subsection.

24 (2) Procedures for extended jurisdiction juvenile
25 prosecutions. The State's Attorney may file a written motion
26 for a proceeding to be designated as an extended juvenile

1 jurisdiction prior to commencement of trial. Notice of the
2 motion shall be in compliance with Section 5-530. When the
3 State's Attorney files a written motion that a proceeding be
4 designated an extended jurisdiction juvenile prosecution, the
5 court shall commence a hearing within 30 days of the filing of
6 the motion for designation, unless good cause is shown by the
7 prosecution or the minor as to why the hearing could not be
8 held within this time period. If the court finds good cause has
9 been demonstrated, then the hearing shall be held within 60
10 days of the filing of the motion. The hearings shall be open to
11 the public unless the judge finds that the hearing should be
12 closed for the protection of any party, victim or witness. If
13 the Juvenile Judge assigned to hear and determine a motion to
14 designate an extended jurisdiction juvenile prosecution
15 determines that there is probable cause to believe that the
16 allegations in the petition and motion are true the court
17 shall grant the motion for designation. Information used by
18 the court in its findings or stated in or offered in connection
19 with this Section may be by way of proffer based on reliable
20 information offered by the State or the minor. All evidence
21 shall be admissible if it is relevant and reliable regardless
22 of whether it would be admissible under the rules of evidence.

23 (3) Trial. A minor who is subject of an extended
24 jurisdiction juvenile prosecution has the right to trial by
25 jury. Any trial under this Section shall be open to the public.

26 (4) Sentencing. If an extended jurisdiction juvenile

1 prosecution under subsection (1) results in a guilty plea, a
2 verdict of guilty, or a finding of guilt, the court shall
3 impose the following:

4 (i) one or more juvenile sentences under Section
5 5-710; and

6 (ii) an adult criminal sentence in accordance with the
7 provisions of Section 5-4.5-105 of the Unified Code of
8 Corrections, the execution of which shall be stayed on the
9 condition that the offender not violate the provisions of
10 the juvenile sentence.

11 Any sentencing hearing under this Section shall be open to the
12 public.

13 (5) If, after an extended jurisdiction juvenile
14 prosecution trial, a minor is convicted of a lesser-included
15 offense or of an offense that the State's Attorney did not
16 designate as an extended jurisdiction juvenile prosecution,
17 the State's Attorney may file a written motion, within 10 days
18 of the finding of guilt, that the minor be sentenced as an
19 extended jurisdiction juvenile prosecution offender. The court
20 shall rule on this motion using the factors found in paragraph
21 (1)(b) of Section 5-805. If the court denies the State's
22 Attorney's motion for sentencing under the extended
23 jurisdiction juvenile prosecution provision, the court shall
24 proceed to sentence the minor under Section 5-710.

25 (6) When it appears that a minor convicted in an extended
26 jurisdiction juvenile prosecution under subsection (1) has

1 violated the conditions of the minor's ~~his or her~~ sentence, or
2 is alleged to have committed a new offense upon the filing of a
3 petition to revoke the stay, the court may, without notice,
4 issue a warrant for the arrest of the minor. After a hearing,
5 if the court finds by a preponderance of the evidence that the
6 minor committed a new offense, the court shall order execution
7 of the previously imposed adult criminal sentence. After a
8 hearing, if the court finds by a preponderance of the evidence
9 that the minor committed a violation of the minor's ~~his or her~~
10 sentence other than by a new offense, the court may order
11 execution of the previously imposed adult criminal sentence or
12 may continue the minor ~~him or her~~ on the existing juvenile
13 sentence with or without modifying or enlarging the
14 conditions. Upon revocation of the stay of the adult criminal
15 sentence and imposition of that sentence, the minor's extended
16 jurisdiction juvenile status shall be terminated. The on-going
17 jurisdiction over the minor's case shall be assumed by the
18 adult criminal court and juvenile court jurisdiction shall be
19 terminated and a report of the imposition of the adult
20 sentence shall be sent to the Illinois ~~Department of~~ State
21 Police.

22 (7) Upon successful completion of the juvenile sentence
23 the court shall vacate the adult criminal sentence.

24 (8) Nothing in this Section precludes the State from
25 filing a motion for transfer under Section 5-805.

26 (Source: P.A. 99-258, eff. 1-1-16.)

1 (705 ILCS 405/5-815)

2 Sec. 5-815. Habitual Juvenile Offender.

3 (a) Definition. Any minor having been twice adjudicated a
4 delinquent minor for offenses which, had the minor ~~he or she~~
5 been prosecuted as an adult, would have been felonies under
6 the laws of this State, and who is thereafter adjudicated a
7 delinquent minor for a third time shall be adjudged an
8 Habitual Juvenile Offender where:

9 1. the third adjudication is for an offense occurring
10 after adjudication on the second; and

11 2. the second adjudication was for an offense
12 occurring after adjudication on the first; and

13 3. the third offense occurred after January 1, 1980;
14 and

15 4. the third offense was based upon the commission of
16 or attempted commission of the following offenses: first
17 degree murder, second degree murder or involuntary
18 manslaughter; criminal sexual assault or aggravated
19 criminal sexual assault; aggravated or heinous battery
20 involving permanent disability or disfigurement or great
21 bodily harm to the victim; burglary of a home or other
22 residence intended for use as a temporary or permanent
23 dwelling place for human beings; home invasion; robbery or
24 armed robbery; or aggravated arson.

25 Nothing in this Section shall preclude the State's

1 Attorney from seeking to prosecute a minor as an adult as an
2 alternative to prosecution as a ~~an~~ habitual juvenile offender.

3 A continuance under supervision authorized by Section
4 5-615 of this Act shall not be permitted under this Section.

5 (b) Notice to minor. The State shall serve upon the minor
6 written notice of intention to prosecute under the provisions
7 of this Section within 5 judicial days of the filing of any
8 delinquency petition, adjudication upon which would mandate
9 the minor's disposition as a ~~an~~ Habitual Juvenile Offender.

10 (c) Petition; service. A notice to seek adjudication as a
11 ~~an~~ Habitual Juvenile Offender shall be filed only by the
12 State's Attorney.

13 The petition upon which such Habitual Juvenile Offender
14 notice is based shall contain the information and averments
15 required for all other delinquency petitions filed under this
16 Act and its service shall be according to the provisions of
17 this Act.

18 No prior adjudication shall be alleged in the petition.

19 (d) Trial. Trial on such petition shall be by jury unless
20 the minor demands, in open court and with advice of counsel, a
21 trial by the court without jury.

22 Except as otherwise provided herein, the provisions of
23 this Act concerning delinquency proceedings generally shall be
24 applicable to Habitual Juvenile Offender proceedings.

25 (e) Proof of prior adjudications. No evidence or other
26 disclosure of prior adjudications shall be presented to the

1 court or jury during any adjudicatory hearing provided for
2 under this Section unless otherwise permitted by the issues
3 properly raised in such hearing. In the event the minor who is
4 the subject of these proceedings elects to testify on the
5 minor's ~~his or her own~~ behalf, it shall be competent to
6 introduce evidence, for purposes of impeachment, that the
7 minor ~~he or she~~ has previously been adjudicated a delinquent
8 minor upon facts which, had the minor ~~he~~ been tried as an
9 adult, would have resulted in the minor's ~~his~~ conviction of a
10 felony or of any offense that involved dishonesty or false
11 statement. Introduction of such evidence shall be according to
12 the rules and procedures applicable to the impeachment of an
13 adult defendant by prior conviction.

14 After an admission of the facts in the petition or
15 adjudication of delinquency, the State's Attorney may file
16 with the court a verified written statement signed by the
17 State's Attorney concerning any prior adjudication of an
18 offense set forth in subsection (a) of this Section which
19 offense would have been a felony or of any offense that
20 involved dishonesty or false statement had the minor been
21 tried as an adult.

22 The court shall then cause the minor to be brought before
23 it; shall inform the minor ~~him or her~~ of the allegations of the
24 statement so filed, and of the minor's ~~his or her~~ right to a
25 hearing before the court on the issue of such prior
26 adjudication and of the minor's ~~his~~ right to counsel at such

1 hearing; and unless the minor admits such adjudication, the
2 court shall hear and determine such issue, and shall make a
3 written finding thereon.

4 A duly authenticated copy of the record of any such
5 alleged prior adjudication shall be prima facie evidence of
6 such prior adjudication or of any offense that involved
7 dishonesty or false statement.

8 Any claim that a previous adjudication offered by the
9 State's Attorney is not a former adjudication of an offense
10 which, had the minor been prosecuted as an adult, would have
11 resulted in the minor's ~~his~~ conviction of a felony or of any
12 offense that involved dishonesty or false statement, is waived
13 unless duly raised at the hearing on such adjudication, or
14 unless the State's Attorney's proof shows that such prior
15 adjudication was not based upon proof of what would have been a
16 felony.

17 (f) Disposition. If the court finds that the prerequisites
18 established in subsection (a) of this Section have been
19 proven, it shall adjudicate the minor a Habitual Juvenile
20 Offender and commit the minor ~~him or her~~ to the Department of
21 Juvenile Justice for a period of time as provided in
22 subsection (3) of Section 5-750, subject to the target release
23 date provisions as provided in subsection (c) of Section
24 3-2.5-85 of the Unified Code of Corrections.

25 (Source: P.A. 102-350, eff. 8-13-21.)

1 (705 ILCS 405/5-820)

2 Sec. 5-820. Violent Juvenile Offender.

3 (a) Definition. A minor having been previously adjudicated
4 a delinquent minor for an offense which, had the minor ~~he or~~
5 ~~she~~ been prosecuted as an adult, would have been a Class 2 or
6 greater felony involving the use or threat of physical force
7 or violence against an individual or a Class 2 or greater
8 felony for which an element of the offense is possession or use
9 of a firearm, and who is thereafter adjudicated a delinquent
10 minor for a second time for any of those offenses shall be
11 adjudicated a Violent Juvenile Offender if:

12 (1) The second adjudication is for an offense
13 occurring after adjudication on the first; and

14 (2) The second offense occurred on or after January 1,
15 1995.

16 (b) Notice to minor. The State shall serve upon the minor
17 written notice of intention to prosecute under the provisions
18 of this Section within 5 judicial days of the filing of a
19 delinquency petition, adjudication upon which would mandate
20 the minor's disposition as a Violent Juvenile Offender.

21 (c) Petition; service. A notice to seek adjudication as a
22 Violent Juvenile Offender shall be filed only by the State's
23 Attorney.

24 The petition upon which the Violent Juvenile Offender
25 notice is based shall contain the information and averments
26 required for all other delinquency petitions filed under this

1 Act and its service shall be according to the provisions of
2 this Act.

3 No prior adjudication shall be alleged in the petition.

4 (d) Trial. Trial on the petition shall be by jury unless
5 the minor demands, in open court and with advice of counsel, a
6 trial by the court without a jury.

7 Except as otherwise provided in this Section, the
8 provisions of this Act concerning delinquency proceedings
9 generally shall be applicable to Violent Juvenile Offender
10 proceedings.

11 (e) Proof of prior adjudications. No evidence or other
12 disclosure of prior adjudications shall be presented to the
13 court or jury during an adjudicatory hearing provided for
14 under this Section unless otherwise permitted by the issues
15 properly raised in that hearing. In the event the minor who is
16 the subject of these proceedings elects to testify on the
17 minor's ~~his or her own~~ behalf, it shall be competent to
18 introduce evidence, for purposes of impeachment, that the
19 minor ~~he or she~~ has previously been adjudicated a delinquent
20 minor upon facts which, had the minor been tried as an adult,
21 would have resulted in the minor's conviction of a felony or of
22 any offense that involved dishonesty or false statement.
23 Introduction of such evidence shall be according to the rules
24 and procedures applicable to the impeachment of an adult
25 defendant by prior conviction.

26 After an admission of the facts in the petition or

1 adjudication of delinquency, the State's Attorney may file
2 with the court a verified written statement signed by the
3 State's Attorney concerning any prior adjudication of an
4 offense set forth in subsection (a) of this Section that would
5 have been a felony or of any offense that involved dishonesty
6 or false statement had the minor been tried as an adult.

7 The court shall then cause the minor to be brought before
8 it; shall inform the minor of the allegations of the statement
9 so filed, of the minor's ~~his or her~~ right to a hearing before
10 the court on the issue of the prior adjudication and of the
11 minor's ~~his or her~~ right to counsel at the hearing; and unless
12 the minor admits the adjudication, the court shall hear and
13 determine the issue, and shall make a written finding of the
14 issue.

15 A duly authenticated copy of the record of any alleged
16 prior adjudication shall be prima facie evidence of the prior
17 adjudication or of any offense that involved dishonesty or
18 false statement.

19 Any claim that a previous adjudication offered by the
20 State's Attorney is not a former adjudication of an offense
21 which, had the minor been prosecuted as an adult, would have
22 resulted in the minor's ~~his or her~~ conviction of a Class 2 or
23 greater felony involving the use or threat of force or
24 violence, or a firearm, a felony or of any offense that
25 involved dishonesty or false statement is waived unless duly
26 raised at the hearing on the adjudication, or unless the

1 State's Attorney's proof shows that the prior adjudication was
2 not based upon proof of what would have been a felony.

3 (f) Disposition. If the court finds that the prerequisites
4 established in subsection (a) of this Section have been
5 proven, it shall adjudicate the minor a Violent Juvenile
6 Offender and commit the minor to the Department of Juvenile
7 Justice for a period of time as provided in subsection (3) of
8 Section 5-750, subject to the target release date provisions
9 in subsection (c) of Section 3-2.5-85 of the Unified Code of
10 Corrections.

11 (g) Nothing in this Section shall preclude the State's
12 Attorney from seeking to prosecute a minor as a habitual
13 juvenile offender or as an adult as an alternative to
14 prosecution as a Violent Juvenile Offender.

15 (h) A continuance under supervision authorized by Section
16 5-615 of this Act shall not be permitted under this Section.

17 (Source: P.A. 102-350, eff. 8-13-21.)

18 (705 ILCS 405/5-901)

19 Sec. 5-901. Court file.

20 (1) The Court file with respect to proceedings under this
21 Article shall consist of the petitions, pleadings, victim
22 impact statements, process, service of process, orders, writs
23 and docket entries reflecting hearings held and judgments and
24 decrees entered by the court. The court file shall be kept
25 separate from other records of the court.

1 (a) The file, including information identifying the
2 victim or alleged victim of any sex offense, shall be
3 disclosed only to the following parties when necessary for
4 discharge of their official duties:

5 (i) A judge of the circuit court and members of the
6 staff of the court designated by the judge;

7 (ii) Parties to the proceedings and their
8 attorneys;

9 (iii) Victims and their attorneys, except in cases
10 of multiple victims of sex offenses in which case the
11 information identifying the nonrequesting victims
12 shall be redacted;

13 (iv) Probation officers, law enforcement officers
14 or prosecutors or their staff;

15 (v) Adult and juvenile Prisoner Review Boards.

16 (b) The Court file redacted to remove any information
17 identifying the victim or alleged victim of any sex
18 offense shall be disclosed only to the following parties
19 when necessary for discharge of their official duties:

20 (i) Authorized military personnel;

21 (ii) Persons engaged in bona fide research, with
22 the permission of the judge of the juvenile court and
23 the chief executive of the agency that prepared the
24 particular recording: provided that publication of
25 such research results in no disclosure of a minor's
26 identity and protects the confidentiality of the

1 record;

2 (iii) The Secretary of State to whom the Clerk of
3 the Court shall report the disposition of all cases,
4 as required in Section 6-204 or Section 6-205.1 of the
5 Illinois Vehicle Code. However, information reported
6 relative to these offenses shall be privileged and
7 available only to the Secretary of State, courts, and
8 police officers;

9 (iv) The administrator of a bonafide substance
10 abuse student assistance program with the permission
11 of the presiding judge of the juvenile court;

12 (v) Any individual, or any public or private
13 agency or institution, having custody of the juvenile
14 under court order or providing educational, medical or
15 mental health services to the juvenile or a
16 court-approved advocate for the juvenile or any
17 placement provider or potential placement provider as
18 determined by the court.

19 (2) (Reserved).

20 (3) A minor who is the victim or alleged victim in a
21 juvenile proceeding shall be provided the same confidentiality
22 regarding disclosure of identity as the minor who is the
23 subject of record. Information identifying victims and alleged
24 victims of sex offenses, shall not be disclosed or open to
25 public inspection under any circumstances. Nothing in this
26 Section shall prohibit the victim or alleged victim of any sex

1 offense from voluntarily disclosing this ~~his or her~~ identity.

2 (4) 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 (4.5) Relevant information, reports and records, held by
7 the Department of Juvenile Justice, including social
8 investigation, psychological and medical records, of any
9 juvenile offender, shall be made available to any county
10 juvenile detention facility upon written request by the
11 Superintendent or Director of that juvenile detention
12 facility, to the Chief Records Officer of the Department of
13 Juvenile Justice where the subject youth is or was in the
14 custody of the Department of Juvenile Justice and is
15 subsequently ordered to be held in a county juvenile detention
16 facility.

17 (5) Except as otherwise provided in this subsection (5),
18 juvenile court records shall not be made available to the
19 general public but may be inspected by representatives of
20 agencies, associations and news media or other properly
21 interested persons by general or special order of the court.
22 The State's Attorney, the minor, the minor's ~~his or her~~
23 parents, guardian and counsel shall at all times have the
24 right to examine court files and records.

25 (a) The court shall allow the general public to have
26 access to the name, address, and offense of a minor who is

1 adjudicated a delinquent minor under this Act under either
2 of the following circumstances:

3 (i) The adjudication of delinquency was based upon
4 the minor's commission of first degree murder, attempt
5 to commit first degree murder, aggravated criminal
6 sexual assault, or criminal sexual assault; or

7 (ii) The court has made a finding that the minor
8 was at least 13 years of age at the time the act was
9 committed and the adjudication of delinquency was
10 based upon the minor's commission of: (A) an act in
11 furtherance of the commission of a felony as a member
12 of or on behalf of a criminal street gang, (B) an act
13 involving the use of a firearm in the commission of a
14 felony, (C) an act that would be a Class X felony
15 offense under or the minor's second or subsequent
16 Class 2 or greater felony offense under the Cannabis
17 Control Act if committed by an adult, (D) an act that
18 would be a second or subsequent offense under Section
19 402 of the Illinois Controlled Substances Act if
20 committed by an adult, (E) an act that would be an
21 offense under Section 401 of the Illinois Controlled
22 Substances Act if committed by an adult, or (F) an act
23 that would be an offense under the Methamphetamine
24 Control and Community Protection Act if committed by
25 an adult.

26 (b) The court shall allow the general public to have

1 access to the name, address, and offense of a minor who is
2 at least 13 years of age at the time the offense is
3 committed and who is convicted, in criminal proceedings
4 permitted or required under Section 5-805, under either of
5 the following circumstances:

6 (i) The minor has been convicted of first degree
7 murder, attempt to commit first degree murder,
8 aggravated criminal sexual assault, or criminal sexual
9 assault,

10 (ii) The court has made a finding that the minor
11 was at least 13 years of age at the time the offense
12 was committed and the conviction was based upon the
13 minor's commission of: (A) an offense in furtherance
14 of the commission of a felony as a member of or on
15 behalf of a criminal street gang, (B) an offense
16 involving the use of a firearm in the commission of a
17 felony, (C) a Class X felony offense under the
18 Cannabis Control Act or a second or subsequent Class 2
19 or greater felony offense under the Cannabis Control
20 Act, (D) a second or subsequent offense under Section
21 402 of the Illinois Controlled Substances Act, (E) an
22 offense under Section 401 of the Illinois Controlled
23 Substances Act, or (F) an offense under the
24 Methamphetamine Control and Community Protection Act.

25 (6) Nothing in this Section shall be construed to limit
26 the use of an adjudication of delinquency as evidence in any

1 juvenile or criminal proceeding, where it would otherwise be
2 admissible under the rules of evidence, including, but not
3 limited to, use as impeachment evidence against any witness,
4 including the minor if the minor ~~he or she~~ testifies.

5 (7) Nothing in this Section shall affect the right of a
6 Civil Service Commission or appointing authority examining the
7 character and fitness of an applicant for a position as a law
8 enforcement officer to ascertain whether that applicant was
9 ever adjudicated to be a delinquent minor and, if so, to
10 examine the records or evidence which were made in proceedings
11 under this Act.

12 (8) Following any adjudication of delinquency for a crime
13 which would be a felony if committed by an adult, or following
14 any adjudication of delinquency for a violation of Section
15 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the State's Attorney shall ascertain
17 whether the minor respondent is enrolled in school and, if so,
18 shall provide a copy of the sentencing order to the principal
19 or chief administrative officer of the school. Access to such
20 juvenile records shall be limited to the principal or chief
21 administrative officer of the school and any school counselor
22 designated by the principal or chief administrative officer
23 ~~him or her~~.

24 (9) Nothing contained in this Act prevents the sharing or
25 disclosure of information or records relating or pertaining to
26 juveniles subject to the provisions of the Serious Habitual

1 Offender Comprehensive Action Program when that information is
2 used to assist in the early identification and treatment of
3 habitual juvenile offenders.

4 (10) (Reserved).

5 (11) The Clerk of the Circuit Court shall report to the
6 Illinois State Police, in the form and manner required by the
7 Illinois State Police, the final disposition of each minor who
8 has been arrested or taken into custody before the minor's ~~his~~
9 ~~or her~~ 18th birthday for those offenses required to be
10 reported under Section 5 of the Criminal Identification Act.
11 Information reported to the Illinois State Police under this
12 Section may be maintained with records that the Illinois State
13 Police files under Section 2.1 of the Criminal Identification
14 Act.

15 (12) Information or records may be disclosed to the
16 general public when the court is conducting hearings under
17 Section 5-805 or 5-810.

18 (13) The changes made to this Section by Public Act 98-61
19 apply to juvenile court records of a minor who has been
20 arrested or taken into custody on or after January 1, 2014 (the
21 effective date of Public Act 98-61).

22 (Source: P.A. 102-197, eff. 7-30-21; 102-320, eff. 8-6-21;
23 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

24 (705 ILCS 405/5-905)

25 Sec. 5-905. Law enforcement records.

1 (1) Law Enforcement Records. Inspection and copying of law
2 enforcement records maintained by law enforcement agencies
3 that relate to a minor who has been investigated, arrested, or
4 taken into custody before the minor's ~~his or her~~ 18th birthday
5 shall be restricted to the following and when necessary for
6 the discharge of their official duties:

7 (a) A judge of the circuit court and members of the
8 staff of the court designated by the judge;

9 (b) Law enforcement officers, probation officers or
10 prosecutors or their staff, or, when necessary for the
11 discharge of its official duties in connection with a
12 particular investigation of the conduct of a law
13 enforcement officer, an independent agency or its staff
14 created by ordinance and charged by a unit of local
15 government with the duty of investigating the conduct of
16 law enforcement officers;

17 (c) The minor, the minor's parents or legal guardian
18 and their attorneys, but only when the juvenile has been
19 charged with an offense;

20 (d) Adult and Juvenile Prisoner Review Boards;

21 (e) Authorized military personnel;

22 (f) Persons engaged in bona fide research, with the
23 permission of the judge of juvenile court and the chief
24 executive of the agency that prepared the particular
25 recording: provided that publication of such research
26 results in no disclosure of a minor's identity and

1 protects the confidentiality of the record;

2 (g) Individuals responsible for supervising or
3 providing temporary or permanent care and custody of
4 minors pursuant to orders of the juvenile court or
5 directives from officials of the Department of Children
6 and Family Services or the Department of Human Services
7 who certify in writing that the information will not be
8 disclosed to any other party except as provided under law
9 or order of court;

10 (h) The appropriate school official only if the agency
11 or officer believes that there is an imminent threat of
12 physical harm to students, school personnel, or others who
13 are present in the school or on school grounds.

14 (A) Inspection and copying shall be limited to
15 law enforcement records transmitted to the appropriate
16 school official or officials whom the school has
17 determined to have a legitimate educational or safety
18 interest by a local law enforcement agency under a
19 reciprocal reporting system established and maintained
20 between the school district and the local law
21 enforcement agency under Section 10-20.14 of the
22 School Code concerning a minor enrolled in a school
23 within the school district who has been arrested or
24 taken into custody for any of the following offenses:

25 (i) any violation of Article 24 of the
26 Criminal Code of 1961 or the Criminal Code of

1 2012;

2 (ii) a violation of the Illinois Controlled
3 Substances Act;

4 (iii) a violation of the Cannabis Control Act;

5 (iv) a forcible felony as defined in Section
6 2-8 of the Criminal Code of 1961 or the Criminal
7 Code of 2012;

8 (v) a violation of the Methamphetamine Control
9 and Community Protection Act;

10 (vi) a violation of Section 1-2 of the
11 Harassing and Obscene Communications Act;

12 (vii) a violation of the Hazing Act; or

13 (viii) a violation of Section 12-1, 12-2,
14 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
15 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
16 Criminal Code of 1961 or the Criminal Code of
17 2012.

18 The information derived from the law enforcement
19 records shall be kept separate from and shall not
20 become a part of the official school record of that
21 child and shall not be a public record. The
22 information shall be used solely by the appropriate
23 school official or officials whom the school has
24 determined to have a legitimate educational or safety
25 interest to aid in the proper rehabilitation of the
26 child and to protect the safety of students and

1 employees in the school. If the designated law
2 enforcement and school officials deem it to be in the
3 best interest of the minor, the student may be
4 referred to in-school or community based social
5 services if those services are available.
6 "Rehabilitation services" may include interventions by
7 school support personnel, evaluation for eligibility
8 for special education, referrals to community-based
9 agencies such as youth services, behavioral healthcare
10 service providers, drug and alcohol prevention or
11 treatment programs, and other interventions as deemed
12 appropriate for the student.

13 (B) Any information provided to appropriate school
14 officials whom the school has determined to have a
15 legitimate educational or safety interest by local law
16 enforcement officials about a minor who is the subject
17 of a current police investigation that is directly
18 related to school safety shall consist of oral
19 information only, and not written law enforcement
20 records, and shall be used solely by the appropriate
21 school official or officials to protect the safety of
22 students and employees in the school and aid in the
23 proper rehabilitation of the child. The information
24 derived orally from the local law enforcement
25 officials shall be kept separate from and shall not
26 become a part of the official school record of the

1 child and shall not be a public record. This
2 limitation on the use of information about a minor who
3 is the subject of a current police investigation shall
4 in no way limit the use of this information by
5 prosecutors in pursuing criminal charges arising out
6 of the information disclosed during a police
7 investigation of the minor. For purposes of this
8 paragraph, "investigation" means an official
9 systematic inquiry by a law enforcement agency into
10 actual or suspected criminal activity;

11 (i) The president of a park district. Inspection and
12 copying shall be limited to law enforcement records
13 transmitted to the president of the park district by the
14 Illinois State Police under Section 8-23 of the Park
15 District Code or Section 16a-5 of the Chicago Park
16 District Act concerning a person who is seeking employment
17 with that park district and who has been adjudicated a
18 juvenile delinquent for any of the offenses listed in
19 subsection (c) of Section 8-23 of the Park District Code
20 or subsection (c) of Section 16a-5 of the Chicago Park
21 District Act.

22 (2) Information identifying victims and alleged victims of
23 sex offenses, shall not be disclosed or open to public
24 inspection under any circumstances. Nothing in this Section
25 shall prohibit the victim or alleged victim of any sex offense
26 from voluntarily disclosing this ~~his or her~~ identity.

1 (2.5) If the minor is a victim of aggravated battery,
2 battery, attempted first degree murder, or other non-sexual
3 violent offense, the identity of the victim may be disclosed
4 to appropriate school officials, for the purpose of preventing
5 foreseeable future violence involving minors, by a local law
6 enforcement agency pursuant to an agreement established
7 between the school district and a local law enforcement agency
8 subject to the approval by the presiding judge of the juvenile
9 court.

10 (3) Relevant information, reports and records shall be
11 made available to the Department of Juvenile Justice when a
12 juvenile offender has been placed in the custody of the
13 Department of Juvenile Justice.

14 (4) Nothing in this Section shall prohibit the inspection
15 or disclosure to victims and witnesses of photographs
16 contained in the records of law enforcement agencies when the
17 inspection or disclosure is conducted in the presence of a law
18 enforcement officer for purposes of identification or
19 apprehension of any person in the course of any criminal
20 investigation or prosecution.

21 (5) The records of law enforcement officers, or of an
22 independent agency created by ordinance and charged by a unit
23 of local government with the duty of investigating the conduct
24 of law enforcement officers, concerning all minors under 18
25 years of age must be maintained separate from the records of
26 adults and may not be open to public inspection or their

1 contents disclosed to the public except by order of the court
2 or when the institution of criminal proceedings has been
3 permitted under Section 5-130 or 5-805 or required under
4 Section 5-130 or 5-805 or such a person has been convicted of a
5 crime and is the subject of pre-sentence investigation or when
6 provided by law.

7 (6) Except as otherwise provided in this subsection (6),
8 law enforcement officers, and personnel of an independent
9 agency created by ordinance and charged by a unit of local
10 government with the duty of investigating the conduct of law
11 enforcement officers, may not disclose the identity of any
12 minor in releasing information to the general public as to the
13 arrest, investigation or disposition of any case involving a
14 minor. Any victim or parent or legal guardian of a victim may
15 petition the court to disclose the name and address of the
16 minor and the minor's parents or legal guardian, or both. Upon
17 a finding by clear and convincing evidence that the disclosure
18 is either necessary for the victim to pursue a civil remedy
19 against the minor or the minor's parents or legal guardian, or
20 both, or to protect the victim's person or property from the
21 minor, then the court may order the disclosure of the
22 information to the victim or to the parent or legal guardian of
23 the victim only for the purpose of the victim pursuing a civil
24 remedy against the minor or the minor's parents or legal
25 guardian, or both, or to protect the victim's person or
26 property from the minor.

1 (7) Nothing contained in this Section shall prohibit law
2 enforcement agencies when acting in their official capacity
3 from communicating with each other by letter, memorandum,
4 teletype or intelligence alert bulletin or other means the
5 identity or other relevant information pertaining to a person
6 under 18 years of age. The information provided under this
7 subsection (7) shall remain confidential and shall not be
8 publicly disclosed, except as otherwise allowed by law.

9 (8) No person shall disclose information under this
10 Section except when acting in the person's ~~his or her~~ official
11 capacity and as provided by law or order of court.

12 (9) The changes made to this Section by Public Act 98-61
13 apply to law enforcement records of a minor who has been
14 arrested or taken into custody on or after January 1, 2014 (the
15 effective date of Public Act 98-61).

16 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14;
17 99-298, eff. 8-6-15.)

18 (705 ILCS 405/5-910)

19 Sec. 5-910. Social, psychological and medical records.

20 (1) The social investigation, psychological and medical
21 records of any juvenile offender shall be privileged and shall
22 not be disclosed except:

23 (a) upon the written consent of the former juvenile
24 or, if the juvenile offender is under 18 years of age, by
25 the parent of the juvenile; or

1 (b) upon a determination by the head of the treatment
2 facility, who has the records, that disclosure to another
3 individual or facility providing treatment to the minor is
4 necessary for the further treatment of the juvenile
5 offender; or

6 (c) when any court having jurisdiction of the juvenile
7 offender orders disclosure; or

8 (d) when requested by any attorney representing the
9 juvenile offender, but the records shall not be further
10 disclosed by the attorney unless approved by the court or
11 presented as admissible evidence; or

12 (e) upon a written request of a juvenile probation
13 officer in regard to an alleged juvenile offender when the
14 information is needed for screening and assessment
15 purposes, for preparation of a social investigation or
16 presentence investigation, or placement decisions; but the
17 records shall not be further disclosed by the probation
18 officer unless approved by the court; or

19 (f) when the State's Attorney requests a copy of the
20 social investigation for use at a sentencing hearing or
21 upon written request of the State's Attorney for
22 psychological or medical records when the minor contests
23 the minor's ~~his~~ fitness for trial or relies on an
24 affirmative defense of intoxication or insanity.

25 (2) Willful violation of this Section is a Class C
26 misdemeanor.

1 (3) Nothing in this Section shall operate to extinguish
2 any rights of a juvenile offender established by
3 attorney-client, physician-patient, psychologist-client or
4 social worker-client privileges except as otherwise provided
5 by law.

6 (Source: P.A. 90-590, eff. 1-1-99.)

7 (705 ILCS 405/5-915)

8 Sec. 5-915. Expungement of juvenile law enforcement and
9 juvenile court records.

10 (0.05) (Blank).

11 (0.1) (a) The Illinois State Police and all law
12 enforcement agencies within the State shall automatically
13 expunge, on or before January 1 of each year, except as
14 described in paragraph (c) of subsection (0.1), all juvenile
15 law enforcement records relating to events occurring before an
16 individual's 18th birthday if:

17 (1) one year or more has elapsed since the date of the
18 arrest or law enforcement interaction documented in the
19 records;

20 (2) no petition for delinquency or criminal charges
21 were filed with the clerk of the circuit court relating to
22 the arrest or law enforcement interaction documented in
23 the records; and

24 (3) 6 months have elapsed since the date of the arrest
25 without an additional subsequent arrest or filing of a

1 petition for delinquency or criminal charges whether
2 related or not to the arrest or law enforcement
3 interaction documented in the records.

4 (b) If the law enforcement agency is unable to verify
5 satisfaction of conditions (2) and (3) of this subsection
6 (0.1), records that satisfy condition (1) of this subsection
7 (0.1) shall be automatically expunged if the records relate to
8 an offense that if committed by an adult would not be an
9 offense classified as a Class 2 felony or higher, an offense
10 under Article 11 of the Criminal Code of 1961 or Criminal Code
11 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
12 12-15, or 12-16 of the Criminal Code of 1961.

13 (c) If the juvenile law enforcement record was received
14 through a public submission to a statewide student
15 confidential reporting system administered by the Illinois
16 State Police, the record will be maintained for a period of 5
17 years according to all other provisions in subsection (0.1).

18 (0.15) If a juvenile law enforcement record meets
19 paragraph (a) of subsection (0.1) of this Section, a juvenile
20 law enforcement record created:

21 (1) prior to January 1, 2018, but on or after January
22 1, 2013 shall be automatically expunged prior to January
23 1, 2020;

24 (2) prior to January 1, 2013, but on or after January
25 1, 2000, shall be automatically expunged prior to January
26 1, 2023; and

1 (3) prior to January 1, 2000 shall not be subject to
2 the automatic expungement provisions of this Act.

3 Nothing in this subsection (0.15) shall be construed to
4 restrict or modify an individual's right to have the person's
5 ~~his or her~~ juvenile law enforcement records expunged except as
6 otherwise may be provided in this Act.

7 (0.2) (a) Upon dismissal of a petition alleging
8 delinquency or upon a finding of not delinquent, the
9 successful termination of an order of supervision, or the
10 successful termination of an adjudication for an offense which
11 would be a Class B misdemeanor, Class C misdemeanor, or a petty
12 or business offense if committed by an adult, the court shall
13 automatically order the expungement of the juvenile court
14 records and juvenile law enforcement records. The clerk shall
15 deliver a certified copy of the expungement order to the
16 Illinois State Police and the arresting agency. Upon request,
17 the State's Attorney shall furnish the name of the arresting
18 agency. The expungement shall be completed within 60 business
19 days after the receipt of the expungement order.

20 (b) If the chief law enforcement officer of the agency, or
21 the chief law enforcement officer's ~~his or her~~ designee,
22 certifies in writing that certain information is needed for a
23 pending investigation involving the commission of a felony,
24 that information, and information identifying the juvenile,
25 may be retained until the statute of limitations for the
26 felony has run. If the chief law enforcement officer of the

1 agency, or the chief law enforcement officer's ~~his or her~~
2 designee, certifies in writing that certain information is
3 needed with respect to an internal investigation of any law
4 enforcement office, that information and information
5 identifying the juvenile may be retained within an
6 intelligence file until the investigation is terminated or the
7 disciplinary action, including appeals, has been completed,
8 whichever is later. Retention of a portion of a juvenile's law
9 enforcement record does not disqualify the remainder of a
10 juvenile's ~~his or her~~ record from immediate automatic
11 expungement.

12 (0.3) (a) Upon an adjudication of delinquency based on any
13 offense except a disqualified offense, the juvenile court
14 shall automatically order the expungement of the juvenile
15 court and law enforcement records 2 years after the juvenile's
16 case was closed if no delinquency or criminal proceeding is
17 pending and the person has had no subsequent delinquency
18 adjudication or criminal conviction. The clerk shall deliver a
19 certified copy of the expungement order to the Illinois State
20 Police and the arresting agency. Upon request, the State's
21 Attorney shall furnish the name of the arresting agency. The
22 expungement shall be completed within 60 business days after
23 the receipt of the expungement order. In this subsection
24 (0.3), "disqualified offense" means any of the following
25 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
26 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
2 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
3 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
4 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
5 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
6 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
7 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
8 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
9 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
10 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
11 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
12 paragraph (1) of subsection (a) of Section 12-9, subparagraph
13 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
14 paragraph (1) of subsection (a) of Section 25-1, or subsection
15 (a-7) of Section 31-1 of the Criminal Code of 2012.

16 (b) If the chief law enforcement officer of the agency, or
17 the chief law enforcement officer's ~~his or her~~ designee,
18 certifies in writing that certain information is needed for a
19 pending investigation involving the commission of a felony,
20 that information, and information identifying the juvenile,
21 may be retained in an intelligence file until the
22 investigation is terminated or for one additional year,
23 whichever is sooner. Retention of a portion of a juvenile's
24 juvenile law enforcement record does not disqualify the
25 remainder of a juvenile's ~~his or her~~ record from immediate
26 automatic expungement.

1 (0.4) Automatic expungement for the purposes of this
2 Section shall not require law enforcement agencies to
3 obliterate or otherwise destroy juvenile law enforcement
4 records that would otherwise need to be automatically expunged
5 under this Act, except after 2 years following the subject
6 arrest for purposes of use in civil litigation against a
7 governmental entity or its law enforcement agency or personnel
8 which created, maintained, or used the records. However, these
9 juvenile law enforcement records shall be considered expunged
10 for all other purposes during this period and the offense,
11 which the records or files concern, shall be treated as if it
12 never occurred as required under Section 5-923.

13 (0.5) Subsection (0.1) or (0.2) of this Section does not
14 apply to violations of traffic, boating, fish and game laws,
15 or county or municipal ordinances.

16 (0.6) Juvenile law enforcement records of a plaintiff who
17 has filed civil litigation against the governmental entity or
18 its law enforcement agency or personnel that created,
19 maintained, or used the records, or juvenile law enforcement
20 records that contain information related to the allegations
21 set forth in the civil litigation may not be expunged until
22 after 2 years have elapsed after the conclusion of the
23 lawsuit, including any appeal.

24 (0.7) Officer-worn body camera recordings shall not be
25 automatically expunged except as otherwise authorized by the
26 Law Enforcement Officer-Worn Body Camera Act.

1 (1) Whenever a person has been arrested, charged, or
2 adjudicated delinquent for an incident occurring before a
3 person's ~~his or her~~ 18th birthday that if committed by an adult
4 would be an offense, and that person's juvenile law
5 enforcement and juvenile court records are not eligible for
6 automatic expungement under subsection (0.1), (0.2), or (0.3),
7 the person may petition the court at any time for expungement
8 of juvenile law enforcement records and juvenile court records
9 relating to the incident and, upon termination of all juvenile
10 court proceedings relating to that incident, the court shall
11 order the expungement of all records in the possession of the
12 Illinois State Police, the clerk of the circuit court, and law
13 enforcement agencies relating to the incident, but only in any
14 of the following circumstances:

15 (a) the minor was arrested and no petition for
16 delinquency was filed with the clerk of the circuit court;

17 (a-5) the minor was charged with an offense and the
18 petition or petitions were dismissed without a finding of
19 delinquency;

20 (b) the minor was charged with an offense and was
21 found not delinquent of that offense;

22 (c) the minor was placed under supervision under
23 Section 5-615, and the order of supervision has since been
24 successfully terminated; or

25 (d) the minor was adjudicated for an offense which
26 would be a Class B misdemeanor, Class C misdemeanor, or a

1 petty or business offense if committed by an adult.

2 (1.5) The Illinois State Police shall allow a person to
3 use the Access and Review process, established in the Illinois
4 State Police, for verifying that the person's ~~his or her~~
5 juvenile law enforcement records relating to incidents
6 occurring before the person's ~~his or her~~ 18th birthday
7 eligible under this Act have been expunged.

8 (1.6) (Blank).

9 (1.7) (Blank).

10 (1.8) (Blank).

11 (2) Any person whose delinquency adjudications are not
12 eligible for automatic expungement under subsection (0.3) of
13 this Section may petition the court to expunge all juvenile
14 law enforcement records relating to any incidents occurring
15 before the person's ~~his or her~~ 18th birthday which did not
16 result in proceedings in criminal court and all juvenile court
17 records with respect to any adjudications except those based
18 upon first degree murder or an offense under Article 11 of the
19 Criminal Code of 2012 if the person is required to register
20 under the Sex Offender Registration Act at the time the person
21 ~~he or she~~ petitions the court for expungement; provided that 2
22 years have elapsed since all juvenile court proceedings
23 relating to the person ~~him or her~~ have been terminated and the
24 person's ~~his or her~~ commitment to the Department of Juvenile
25 Justice under this Act has been terminated.

26 (2.5) If a minor is arrested and no petition for

1 delinquency is filed with the clerk of the circuit court at the
2 time the minor is released from custody, the youth officer, if
3 applicable, or other designated person from the arresting
4 agency, shall notify verbally and in writing to the minor or
5 the minor's parents or guardians that the minor shall have an
6 arrest record and shall provide the minor and the minor's
7 parents or guardians with an expungement information packet,
8 information regarding this State's expungement laws including
9 a petition to expunge juvenile law enforcement and juvenile
10 court records obtained from the clerk of the circuit court.

11 (2.6) If a minor is referred to court, then, at the time of
12 sentencing, dismissal of the case, or successful completion of
13 supervision, the judge shall inform the delinquent minor of
14 the minor's ~~his or her~~ rights regarding expungement and the
15 clerk of the circuit court shall provide an expungement
16 information packet to the minor, written in plain language,
17 including information regarding this State's expungement laws
18 and a petition for expungement, a sample of a completed
19 petition, expungement instructions that shall include
20 information informing the minor that (i) once the case is
21 expunged, it shall be treated as if it never occurred, (ii) the
22 minor ~~he or she~~ may apply to have petition fees waived, (iii)
23 once the minor ~~he or she~~ obtains an expungement, the minor ~~he~~
24 ~~or she~~ may not be required to disclose that the minor ~~he or she~~
25 had a juvenile law enforcement or juvenile court record, and
26 (iv) if petitioning the minor ~~he or she~~ may file the petition

1 on the minor's ~~his or her~~ own or with the assistance of an
2 attorney. The failure of the judge to inform the delinquent
3 minor of the minor's ~~his or her~~ right to petition for
4 expungement as provided by law does not create a substantive
5 right, nor is that failure grounds for: (i) a reversal of an
6 adjudication of delinquency; (ii) a new trial; or (iii) an
7 appeal.

8 (2.7) (Blank).

9 (2.8) (Blank).

10 (3) (Blank).

11 (3.1) (Blank).

12 (3.2) (Blank).

13 (3.3) (Blank).

14 (4) (Blank).

15 (5) (Blank).

16 (5.5) Whether or not expunged, records eligible for
17 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
18 (0.3) (a) may be treated as expunged by the individual subject
19 to the records.

20 (6) (Blank).

21 (6.5) The Illinois State Police or any employee of the
22 Illinois State Police shall be immune from civil or criminal
23 liability for failure to expunge any records of arrest that
24 are subject to expungement under this Section because of
25 inability to verify a record. Nothing in this Section shall
26 create Illinois State Police liability or responsibility for

1 the expungement of juvenile law enforcement records it does
2 not possess.

3 (7) (Blank).

4 (7.5) (Blank).

5 (8) The expungement of juvenile law enforcement or
6 juvenile court records under subsection (0.1), (0.2), or (0.3)
7 of this Section shall be funded by appropriation by the
8 General Assembly for that purpose.

9 (9) (Blank).

10 (10) (Blank).

11 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
12 102-752, eff. 1-1-23; revised 8-23-22.)

13 (705 ILCS 405/5-920)

14 Sec. 5-920. Petitions for expungement.

15 (a) The petition for expungement for subsections (1) and
16 (2) of Section 5-915 may include multiple offenses on the same
17 petition and shall be substantially in the following form:

18 IN THE CIRCUIT COURT OF, ILLINOIS

19 JUDICIAL CIRCUIT

20 IN THE INTEREST OF) NO.

21)

22)

23)

24 (Name of Petitioner)

1 the Criminal Code of 2012 if the person is required to register
2 under the Sex Offender Registration Act, and 2 years have
3 passed since the case was closed.

4 Petitioner has has not been arrested on charges in
5 this or any county other than the charges listed above. If
6 petitioner has been arrested on additional charges, please
7 list the charges below:

8 Charge(s):

9 Arresting Agency or Agencies:

10 Disposition/Result: (choose from a. through f., above):

11 WHEREFORE, the petitioner respectfully requests this Honorable
12 Court to (1) order all law enforcement agencies to expunge all
13 records of petitioner to this incident or incidents, and (2)
14 to order the Clerk of the Court to expunge all records
15 concerning the petitioner regarding this incident or
16 incidents.

17

18 Petitioner (Signature)

19

20 Petitioner's Street Address

21

22 City, State, Zip Code

1
2

2 Petitioner's Telephone Number

3 Pursuant to the penalties of perjury under the Code of Civil
4 Procedure, 735 ILCS 5/1-109, I hereby certify that the
5 statements in this petition are true and correct, or on
6 information and belief I believe the same to be true.

7
8

8 Petitioner (Signature)

9 (b) The chief judge of the circuit in which an arrest was
10 made or a charge was brought or any judge of that circuit
11 designated by the chief judge may, upon verified petition of a
12 person who is the subject of an arrest or a juvenile court
13 proceeding under subsection (1) or (2) of Section 5-915, order
14 the juvenile law enforcement records or official court file,
15 or both, to be expunged from the official records of the
16 arresting authority, the clerk of the circuit court and the
17 Illinois ~~Department of~~ State Police. The person whose juvenile
18 law enforcement record, juvenile court record, or both, are to
19 be expunged shall petition the court using the appropriate
20 form containing the person's ~~his or her~~ current address and
21 shall promptly notify the clerk of the circuit court of any
22 change of address. Notice of the petition shall be served upon
23 the State's Attorney or prosecutor charged with the duty of
24 prosecuting the offense, the Illinois ~~Department of~~ State

1 Police, and the arresting agency or agencies by the clerk of
 2 the circuit court. If an objection is filed within 45 days of
 3 the notice of the petition, the clerk of the circuit court
 4 shall set a date for hearing after the 45-day objection
 5 period. At the hearing, the court shall hear evidence on
 6 whether the expungement should or should not be granted.
 7 Unless the State's Attorney or prosecutor, the Illinois
 8 ~~Department of~~ State Police, or an arresting agency objects to
 9 the expungement within 45 days of the notice, the court may
 10 enter an order granting expungement. The clerk shall forward a
 11 certified copy of the order to the Illinois ~~Department of~~
 12 State Police and deliver a certified copy of the order to the
 13 arresting agency.

14 (c) The Notice of Expungement shall be in substantially
 15 the following form:

16 IN THE CIRCUIT COURT OF, ILLINOIS
 17 JUDICIAL CIRCUIT

18 IN THE INTEREST OF) NO.
 19)
 20)
 21)
 22 (Name of Petitioner)

23 NOTICE

24 TO: State's Attorney

1 TO: Arresting Agency

2
3

4

5
6

7

8 TO: Illinois State Police

9
10

11
12

13 ATTENTION: Expungement

14 You are hereby notified that on, at, in courtroom
15 ..., located at ..., before the Honorable ..., Judge, or any
16 judge sitting in the Judge's ~~his/her~~ stead, I shall then and
17 there present a Petition to Expunge Juvenile Records in the
18 above-entitled matter, at which time and place you may appear.

19
20 Petitioner's Signature

21
22 Petitioner's Street Address

23
24 City, State, Zip Code

25
26 Petitioner's Telephone Number

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PROOF OF SERVICE

On the day of, 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:

(Check One:)

delivering copies personally to each entity to whom they are directed;

or

by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at

.....

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner:

Address:

Telephone Number:

(d) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF, ILLINOIS

..... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.

)

1)

2)

3 (Name of Petitioner)

4 DOB

5 Arresting Agency/Agencies

6 ORDER OF EXPUNGEMENT

7 (Section 5-920 of the Juvenile Court Act of 1987 (Subsection

8 c))

9 This matter having been heard on the petitioner's motion and
10 the court being fully advised in the premises does find that
11 the petitioner is indigent or has presented reasonable cause
12 to waive all costs in this matter, IT IS HEREBY ORDERED that:

13 () 1. Clerk of Court and Illinois ~~Department of~~ State
14 Police costs are hereby waived in this matter.

15 () 2. The Illinois State Police Bureau of Identification
16 and the following law enforcement agencies expunge all records
17 of petitioner relating to an arrest dated for the
18 offense of

19 Law Enforcement Agencies:

20

21

22 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
23 Court expunge all records regarding the above-captioned case.

24 ENTER:

25

1 JUDGE

2 DATED:

3 Name:

4 Attorney for:

5 Address: City/State/Zip:

6 Attorney Number:

7 (e) The Notice of Objection shall be in substantially the
8 following form:

9 IN THE CIRCUIT COURT OF, ILLINOIS

10 JUDICIAL CIRCUIT

11 IN THE INTEREST OF) NO.

12)

13)

14)

15 (Name of Petitioner)

16 NOTICE OF OBJECTION

17 TO:(Attorney, Public Defender, Minor)

18

19

20 TO:(Illinois State Police)

21

22

23 TO:(Clerk of the Court)

24

1

2 TO: (Judge)

3

4

5 TO: (Arresting Agency/Agencies)

6

7

8 ATTENTION: You are hereby notified that an objection has been
9 filed by the following entity regarding the above-named
10 minor's petition for expungement of juvenile records:

11 () State's Attorney's Office;

12 () Prosecutor (other than State's Attorney's Office) charged
13 with the duty of prosecuting the offense sought to be
14 expunged;

15 () ~~Department of~~ Illinois State Police; or

16 () Arresting Agency or Agencies.

17 The agency checked above respectfully requests that this case
18 be continued and set for hearing on whether the expungement
19 should or should not be granted.

20 DATED:

21 Name:

22 Attorney For:

23 Address:

24 City/State/Zip:

25 Telephone:

26 Attorney No.:

1 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

2 This matter has been set for hearing on the foregoing
3 objection, on in room, located at, before
4 the Honorable, Judge, or any judge sitting in the
5 Judge's ~~his/her~~ stead. (Only one hearing shall be set,
6 regardless of the number of Notices of Objection received on
7 the same case).

8 A copy of this completed Notice of Objection containing the
9 court date, time, and location, has been sent via regular U.S.
10 Mail to the following entities. (If more than one Notice of
11 Objection is received on the same case, each one must be
12 completed with the court date, time and location and mailed to
13 the following entities):

14 () Attorney, Public Defender or Minor;

15 () State's Attorney's Office;

16 () Prosecutor (other than State's Attorney's Office) charged
17 with the duty of prosecuting the offense sought to be
18 expunged;

19 () ~~Department of~~ Illinois State Police; and

20 () Arresting agency or agencies.

21 Date:

22 Initials of Clerk completing this section:

23 (Source: P.A. 100-1162, eff. 12-20-18.)

24 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

25 Sec. 6-1. Probation departments; functions and duties.

1 (1) The chief judge of each circuit shall make provision
2 for probation services for each county in the chief judge's
3 ~~his or her~~ circuit. The appointment of officers to probation
4 or court services departments and the administration of such
5 departments shall be governed by the provisions of the
6 Probation and Probation Officers Act.

7 (2) Every county or every group of counties constituting a
8 probation district shall maintain a court services or
9 probation department subject to the provisions of the
10 Probation and Probation Officers Act. For the purposes of this
11 Act, such a court services or probation department has, but is
12 not limited to, the following powers and duties:

13 (a) When authorized or directed by the court, to
14 receive, investigate and evaluate complaints indicating
15 dependency, requirement of authoritative intervention,
16 addiction or delinquency within the meaning of Sections
17 2-3, 2-4, 3-3, 4-3, or 5-105, respectively; to determine
18 or assist the complainant in determining whether a
19 petition should be filed under Sections 2-13, 3-15, 4-12,
20 or 5-520 or whether referral should be made to an agency,
21 association or other person or whether some other action
22 is advisable; and to see that the indicating filing,
23 referral or other action is accomplished. However, no such
24 investigation, evaluation or supervision by such court
25 services or probation department is to occur with regard
26 to complaints indicating only that a minor may be a

1 chronic or habitual truant.

2 (a-1) To confer in a preliminary conference, with a
3 view to adjusting suitable cases without the filing of a
4 petition as provided for in Section 2-12 or Section 5-305.

5 (b) When a petition is filed under Section 2-13, 3-15,
6 4-15, or 5-520, to make pre-adjudicatory investigations
7 and formulate recommendations to the court when the court
8 has authorized or directed the department to do so.

9 (b-1) When authorized or directed by the court, and
10 with the consent of the party respondents and the State's
11 Attorney, to confer in a pre-adjudicatory conference, with
12 a view to adjusting suitable cases as provided for in
13 Section 2-12 or Section 5-305.

14 (c) To counsel and, by order of the court, to
15 supervise minors referred to the court; to conduct
16 indicated programs of casework, including referrals for
17 medical and mental health service, organized recreation
18 and job placement for wards of the court and, when
19 appropriate, for members of the family of a ward; to act as
20 liaison officer between the court and agencies or
21 associations to which minors are referred or through which
22 they are placed; when so appointed, to serve as guardian
23 of the person of a ward of the court; to provide probation
24 supervision and protective supervision ordered by the
25 court; and to provide like services to wards and
26 probationers of courts in other counties or jurisdictions

1 who have lawfully become local residents.

2 (d) To arrange for placements pursuant to court order.

3 (e) To assume administrative responsibility for such
4 detention, shelter care and other institutions for minors
5 as the court may operate.

6 (f) To maintain an adequate system of case records,
7 statistical records, and financial records related to
8 juvenile detention and shelter care and to make reports to
9 the court and other authorized persons, and to the Supreme
10 Court pursuant to the Probation and Probation Officers
11 Act.

12 (g) To perform such other services as may be
13 appropriate to effectuate the purposes of this Act or as
14 may be directed by any order of court made under this Act.

15 (3) The court services or probation department in any
16 probation district or county having less than 1,000,000
17 inhabitants, or any personnel of the department, may be
18 required by the circuit court to render services to the court
19 in other matters as well as proceedings under this Act.

20 (4) In any county or probation district, a probation
21 department may be established as a separate division of a more
22 inclusive department of court services, with any appropriate
23 divisional designation. The organization of any such
24 department of court services and the appointment of officers
25 and other personnel must comply with the Probation and
26 Probation Officers Act.

1 (5) For purposes of this Act only, probation officers
2 appointed to probation or court services departments shall be
3 considered peace officers. In the exercise of their official
4 duties, probation officers, sheriffs, and police officers may,
5 anywhere within the State, arrest any minor who is in
6 violation of any of the conditions of the minor's ~~his or her~~
7 probation, continuance under supervision, or informal
8 supervision, and it shall be the duty of the officer making the
9 arrest to take the minor before the court having jurisdiction
10 over the minor for further action.

11 (Source: P.A. 101-81, eff. 7-12-19.)

12 (705 ILCS 405/6-3) (from Ch. 37, par. 806-3)

13 Sec. 6-3. Court Services Departments; counties over
14 1,000,000.

15 (1) Any county having more than 1,000,000 inhabitants
16 shall maintain a Court Services Department, which shall be
17 under the authority and supervision of the chief judge of the
18 circuit or of some other judge designated by the chief judge
19 ~~him~~.

20 (2) The functions and duties of probation personnel of the
21 Court Services Department include, but are not limited to,
22 those described in Section 6-1. Neither the Court Services
23 Department nor any of its personnel must supervise the
24 probation of any person over 18 years of age convicted under
25 the criminal laws, except that the court may order the

1 Department to supervise the probation of an adult convicted of
2 the crime of contributing to the dependency and neglect of
3 children or of contributing to the delinquency of children.

4 (3) The Court Services Department in any such county shall
5 provide psychiatric clinical services relating to the purposes
6 of this Act when so requested, authorized or ordered by the
7 court. The Department may be required by the circuit court to
8 render psychiatric clinical services to the court in other
9 matters as well as in proceedings under this Act.

10 (Source: P.A. 85-601.)

11 (705 ILCS 405/6-4) (from Ch. 37, par. 806-4)

12 Sec. 6-4. Psychiatric Departments; counties under
13 1,000,000. (1) Any county having less than 1,000,000
14 inhabitants or any group of counties constituting a probation
15 district may maintain a Psychiatric Department to render
16 clinical services requested, authorized or ordered by the
17 court. The Psychiatric Department may be required by the
18 circuit court to render services to the court in other matters
19 as well as in proceedings under this Act. In any county or
20 probation district the Psychiatric Department may be
21 established as a separate division of a more inclusive
22 psychiatric department or of a comprehensive department of
23 court services, with any appropriate divisional designation.

24 (2) The chief judge of the circuit court shall appoint a
25 professionally qualified person as Director of the Psychiatric

1 Department established for any county or probation district in
2 the circuit, to serve at the chief judge's ~~his~~ pleasure, and
3 may authorize the Director to appoint such other personnel of
4 the Department as the chief judge from time to time may
5 determine are needed, to serve at the pleasure of the
6 Director. The Director shall have general charge of the
7 Department under the supervision of the chief judge or of some
8 other judge designated by the chief judge for that purpose.

9 (3) Appointments to any professional position in the
10 Psychiatric Department must be made in accordance with
11 standards prescribed by the chief judge in consultation with
12 an advisory committee of the chief judge's ~~his~~ selection,
13 composed of persons of recognized and outstanding ability in
14 the practice of psychiatry or psychology or in the teaching or
15 practice of social service and public welfare work.

16 (Source: P.A. 85-601.)

17 (705 ILCS 405/6-7) (from Ch. 37, par. 806-7)

18 Sec. 6-7. Financial responsibility of counties. (1) Each
19 county board shall provide in its annual appropriation
20 ordinance or annual budget, as the case may be, a reasonable
21 sum for payments for the care and support of minors, and for
22 payments for court appointed counsel in accordance with orders
23 entered under this Act in an amount which in the judgment of
24 the county board may be needed for that purpose. Such
25 appropriation or budget item constitutes a separate fund into

1 which shall be paid not only the moneys appropriated by the
2 county board, but also all reimbursements by parents and other
3 persons and by the State.

4 (2) No county may be charged with the care and support of
5 any minor who is not a resident of the county unless the
6 minor's ~~his~~ parents or guardian are unknown or the minor's
7 place of residence cannot be determined.

8 (3) No order upon the county for care and support of a
9 minor may be entered until the president or chairman of the
10 county board has had due notice that such a proceeding is
11 pending.

12 (Source: P.A. 85-1235; 85-1443; 86-820.)

13 (705 ILCS 405/6-8) (from Ch. 37, par. 806-8)

14 Sec. 6-8. Orders on county for care and support.

15 (1) Whenever a minor has been ordered held in detention or
16 placed in shelter care under Sections 2-7, 3-9, 4-6 or 5-410,
17 the court may order the county to make monthly payments from
18 the fund established pursuant to Section 6-7 in an amount
19 necessary for the minor's ~~his~~ care and support, but not for a
20 period in excess of 90 days.

21 (2) Whenever a ward of the court is placed under Section
22 2-27, 3-28, 4-25 or 5-740, the court may order the county to
23 make monthly payments from the fund established pursuant to
24 Section 6-7 in an amount necessary for the minor's ~~his~~ care and
25 support to the guardian of the person or legal custodian

1 appointed under this Act, or to the agency which such guardian
2 or custodian represents.

3 (3) The court may, when the health or condition of any
4 minor subject to this Act requires it, order the minor placed
5 in a public hospital, institution or agency for treatment or
6 special care, or in a private hospital, institution or agency
7 which will receive the minor ~~him~~ without charge to the public
8 authorities. If such treatment or care cannot be procured
9 without charge, the court may order the county to pay an amount
10 for such treatment from the fund established pursuant to
11 Section 6-7. If the placement is to a hospital or institution,
12 the amount to be paid shall not exceed that paid by the county
13 department of public aid for the care of minors under like
14 conditions, or, if an agency, not more than that established
15 by the Department of Children and Family Services for the care
16 of minors under like conditions. On like order, the county
17 shall pay, from the fund established pursuant to Section 6-7,
18 medical, surgical, dental, optical and other fees and expenses
19 which the court finds are not within the usual scope of charges
20 for the care and support of any minor provided for under this
21 Section.

22 (Source: P.A. 90-590, eff. 1-1-99.)

23 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

24 Sec. 6-9. Enforcement of liability of parents and others.

25 (1) If parentage is at issue in any proceeding under this

1 Act, other than cases involving those exceptions to the
2 definition of parent set out in item (11) in Section 1-3, then
3 the Illinois Parentage Act of 2015 shall apply and the court
4 shall enter orders consistent with that Act. If it appears at
5 any hearing that a parent or any other person named in the
6 petition, liable under the law for the support of the minor, is
7 able to contribute to the minor's ~~his or her~~ support, the court
8 shall enter an order requiring that parent or other person to
9 pay the clerk of the court, or to the guardian or custodian
10 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
11 reasonable sum from time to time for the care, support and
12 necessary special care or treatment, of the minor. If the
13 court determines at any hearing that a parent or any other
14 person named in the petition, liable under the law for the
15 support of the minor, is able to contribute to help defray the
16 costs associated with the minor's detention in a county or
17 regional detention center, the court shall enter an order
18 requiring that parent or other person to pay the clerk of the
19 court a reasonable sum for the care and support of the minor.
20 The court may require reasonable security for the payments.
21 Upon failure to pay, the court may enforce obedience to the
22 order by a proceeding as for contempt of court.

23 If it appears that the person liable for the support of the
24 minor is able to contribute to legal fees for representation
25 of the minor, the court shall enter an order requiring that
26 person to pay a reasonable sum for the representation, to the

1 attorney providing the representation or to the clerk of the
2 court for deposit in the appropriate account or fund. The sum
3 may be paid as the court directs, and the payment thereof
4 secured and enforced as provided in this Section for support.

5 If it appears at the detention or shelter care hearing of a
6 minor before the court under Section 5-501 that a parent or any
7 other person liable for support of the minor is able to
8 contribute to the minor's ~~his or her~~ support, that parent or
9 other person shall be required to pay a fee for room and board
10 at a rate not to exceed \$10 per day established, with the
11 concurrence of the chief judge of the judicial circuit, by the
12 county board of the county in which the minor is detained
13 unless the court determines that it is in the best interest and
14 welfare of the minor to waive the fee. The concurrence of the
15 chief judge shall be in the form of an administrative order.
16 Each week, on a day designated by the clerk of the circuit
17 court, that parent or other person shall pay the clerk for the
18 minor's room and board. All fees for room and board collected
19 by the circuit court clerk shall be disbursed into the
20 separate county fund under Section 6-7.

21 Upon application, the court shall waive liability for
22 support or legal fees under this Section if the parent or other
23 person establishes that the parent or other person ~~he or she~~ is
24 indigent and unable to pay the incurred liability, and the
25 court may reduce or waive liability if the parent or other
26 person establishes circumstances showing that full payment of

1 support or legal fees would result in financial hardship to
2 the person or the person's ~~his or her~~ family.

3 (2) When a person so ordered to pay for the care and
4 support of a minor is employed for wages, salary or
5 commission, the court may order the person ~~him~~ to make the
6 support payments for which the person ~~he~~ is liable under this
7 Act out of the person's ~~his~~ wages, salary or commission and to
8 assign so much thereof as will pay the support. The court may
9 also order the person ~~him~~ to make discovery to the court as to
10 the person's ~~his~~ place of employment and the amounts earned by
11 the person ~~him~~. Upon the person's ~~his~~ failure to obey the
12 orders of court the person ~~he~~ may be punished as for contempt
13 of court.

14 (3) If the minor is a recipient of public aid under the
15 Illinois Public Aid Code, the court shall order that payments
16 made by a parent or through assignment of the parent's ~~his~~
17 wages, salary or commission be made directly to (a) the
18 Department of Healthcare and Family Services if the minor is a
19 recipient of aid under Article V of the Code, (b) the
20 Department of Human Services if the minor is a recipient of aid
21 under Article IV of the Code, or (c) the local governmental
22 unit responsible for the support of the minor if the minor ~~he~~
23 is a recipient under Articles VI or VII of the Code. The order
24 shall permit the Department of Healthcare and Family Services,
25 the Department of Human Services, or the local governmental
26 unit, as the case may be, to direct that subsequent payments be

1 made directly to the guardian or custodian of the minor, or to
2 some other person or agency in the minor's behalf, upon
3 removal of the minor from the public aid rolls; and upon such
4 direction and removal of the minor from the public aid rolls,
5 the Department of Healthcare and Family Services, Department
6 of Human Services, or local governmental unit, as the case
7 requires, shall give written notice of such action to the
8 court. Payments received by the Department of Healthcare and
9 Family Services, Department of Human Services, or local
10 governmental unit are to be covered, respectively, into the
11 General Revenue Fund of the State Treasury or General
12 Assistance Fund of the governmental unit, as provided in
13 Section 10-19 of the Illinois Public Aid Code.

14 (Source: P.A. 99-85, eff. 1-1-16.)

15 (705 ILCS 405/6-10) (from Ch. 37, par. 806-10)

16 Sec. 6-10. State reimbursement of funds.

17 (a) Before the 15th day of each month, the clerk of the
18 court shall itemize all payments received by the clerk ~~him~~
19 under Section 6-9 during the preceding month and shall pay
20 such amounts to the county treasurer. Before the 20th day of
21 each month, the county treasurer shall file with the
22 Department of Children and Family Services an itemized
23 statement of the amount of money for the care and shelter of a
24 minor placed in shelter care under Sections 2-7, 3-9, 4-6 or
25 5-410 or placed under Sections 2-27, 3-28, 4-25 or 5-740

1 before July 1, 1980 and after June 30, 1981, paid by the county
2 during the last preceding month pursuant to court order
3 entered under Section 6-8, certified by the court, and an
4 itemized account of all payments received by the clerk of the
5 court under Section 6-9 during the preceding month and paid
6 over to the county treasurer, certified by the county
7 treasurer. The Department of Children and Family Services
8 shall examine and audit the monthly statement and account, and
9 upon finding them correct, shall voucher for payment to the
10 county a sum equal to the amount so paid out by the county less
11 the amount received by the clerk of the court under Section 6-9
12 and paid to the county treasurer but not more than an amount
13 equal to the current average daily rate paid by the Department
14 of Children and Family Services for similar services pursuant
15 to Section 5a of Children and Family Services Act, approved
16 June 4, 1963, as amended. Reimbursement to the counties under
17 this Section for care and support of minors in licensed child
18 caring institutions must be made by the Department of Children
19 and Family Services only for care in those institutions which
20 have filed with the Department a certificate affirming that
21 they admit minors on the basis of need without regard to race
22 or ethnic origin.

23 (b) The county treasurer may file with the Department of
24 Children and Family Services an itemized statement of the
25 amount of money paid by the county during the last preceding
26 month pursuant to court order entered under Section 6-8,

1 certified by the court, and an itemized account of all
2 payments received by the clerk of the court under Section 6-9
3 during the preceding month and paid over to the county
4 treasurer, certified by the county treasurer. The Department
5 of Children and Family Services shall examine and audit the
6 monthly statement and account, and upon finding them correct,
7 shall voucher for payment to the county a sum equal to the
8 amount so paid out by the county less the amount received by
9 the clerk of the court under Section 6-9 and paid to the county
10 treasurer. Subject to appropriations for that purpose, the
11 State shall reimburse the county for the care and shelter of a
12 minor placed in detention as a result of any new provisions
13 that are created by the Juvenile Justice Reform Provisions of
14 1998 (Public Act 90-590).

15 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

16 Section 68. The Unified Code of Corrections is amended by
17 changing the heading of Article 2.7 of Chapter III and
18 Sections 3-2.7-1, 3-2.7-5, 3-2.7-10, 3-2.7-15, 3-2.7-20,
19 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
20 as follows:

21 (730 ILCS 5/Ch. III Art. 2.7 heading)

22 ARTICLE 2.7. DEPARTMENT OF JUVENILE JUSTICE

23 INDEPENDENT JUVENILE OMBUDSPERSON ~~OMBUDSMAN~~

24 (Source: P.A. 98-1032, eff. 8-25-14.)

1 (730 ILCS 5/3-2.7-1)

2 Sec. 3-2.7-1. Short title. This Article may be cited as
3 the Department of Juvenile Justice Independent Juvenile
4 Ombudsperson ~~Ombudsman~~ Law.

5 (Source: P.A. 98-1032, eff. 8-25-14.)

6 (730 ILCS 5/3-2.7-5)

7 Sec. 3-2.7-5. Purpose. The purpose of this Article is to
8 create within the Department of Juvenile Justice the Office of
9 Independent Juvenile Ombudsperson ~~Ombudsman~~ for the purpose of
10 securing the rights of youth committed to the Department of
11 Juvenile Justice, including youth released on aftercare before
12 final discharge.

13 (Source: P.A. 98-1032, eff. 8-25-14.)

14 (730 ILCS 5/3-2.7-10)

15 Sec. 3-2.7-10. Definitions. In this Article, unless the
16 context requires otherwise:

17 "Department" means the Department of Juvenile Justice.

18 "Immediate family or household member" means the spouse,
19 child, parent, brother, sister, grandparent, or grandchild,
20 whether of the whole blood or half blood or by adoption, or a
21 person who shares a common dwelling.

22 "Juvenile justice system" means all activities by public
23 or private agencies or persons pertaining to youth involved in

1 or having contact with the police, courts, or corrections.

2 "Office" means the Office of the Independent Juvenile
3 Ombudsperson ~~Ombudsman~~.

4 "Ombudsperson ~~Ombudsman~~" means the Department of Juvenile
5 Justice Independent Juvenile Ombudsperson ~~Ombudsman~~.

6 "Youth" means any person committed by court order to the
7 custody of the Department of Juvenile Justice, including youth
8 released on aftercare before final discharge.

9 (Source: P.A. 98-1032, eff. 8-25-14.)

10 (730 ILCS 5/3-2.7-15)

11 Sec. 3-2.7-15. Appointment of Independent Juvenile
12 Ombudsperson ~~Ombudsman~~. The Governor shall appoint the
13 Independent Juvenile Ombudsperson ~~Ombudsman~~ with the advice
14 and consent of the Senate for a term of 4 years, with the first
15 term expiring February 1, 2017. A person appointed as
16 Ombudsperson ~~Ombudsman~~ may be reappointed to one or more
17 subsequent terms. A vacancy shall occur upon resignation,
18 death, or removal. The Ombudsperson ~~Ombudsman~~ may only be
19 removed by the Governor for incompetency, malfeasance, neglect
20 of duty, or conviction of a felony. If the Senate is not in
21 session or is in recess when an appointment subject to its
22 confirmation is made, the Governor shall make a temporary
23 appointment which shall be subject to subsequent Senate
24 approval. The Ombudsperson ~~Ombudsman~~ may employ deputies to
25 perform, under the direction of the Ombudsperson ~~Ombudsman~~,

1 the same duties and exercise the same powers as the
2 Ombudsperson ~~Ombudsman~~, and may employ other support staff as
3 deemed necessary. The Ombudsperson ~~Ombudsman~~ and deputies
4 must:

5 (1) be over the age of 21 years;

6 (2) have a bachelor's or advanced degree from an
7 accredited college or university; and

8 (3) have relevant expertise in areas such as the
9 juvenile justice system, investigations, or civil rights
10 advocacy as evidenced by experience in the field or by
11 academic background.

12 (Source: P.A. 98-1032, eff. 8-25-14.)

13 (730 ILCS 5/3-2.7-20)

14 Sec. 3-2.7-20. Conflicts of interest. A person may not
15 serve as Ombudsperson ~~Ombudsman~~ or as a deputy if the person or
16 the person's immediate family or household member:

17 (1) is or has been employed by the Department of
18 Juvenile Justice or Department of Corrections within one
19 year prior to appointment, other than as Ombudsperson
20 ~~Ombudsman~~ or Deputy Ombudsperson ~~Ombudsman~~;

21 (2) participates in the management of a business
22 entity or other organization receiving funds from the
23 Department of Juvenile Justice;

24 (3) owns or controls, directly or indirectly, any
25 interest in a business entity or other organization

1 receiving funds from the Department of Juvenile Justice;

2 (4) uses or receives any amount of tangible goods,
3 services, or funds from the Department of Juvenile
4 Justice, other than as Ombudsperson ~~Ombudsman~~ or Deputy
5 Ombudsperson ~~Ombudsman~~; or

6 (5) is required to register as a lobbyist for an
7 organization that interacts with the juvenile justice
8 system.

9 (Source: P.A. 98-1032, eff. 8-25-14.)

10 (730 ILCS 5/3-2.7-25)

11 Sec. 3-2.7-25. Duties and powers.

12 (a) The Independent Juvenile Ombudsperson ~~Ombudsman~~ shall
13 function independently within the Department of Juvenile
14 Justice with respect to the operations of the Office in
15 performance of the Ombudsperson's ~~his or her~~ duties under this
16 Article and shall report to the Governor. The Ombudsperson
17 ~~Ombudsman~~ shall adopt rules and standards as may be necessary
18 or desirable to carry out the Ombudsperson's ~~his or her~~
19 duties. Funding for the Office shall be designated separately
20 within Department funds. The Department shall provide
21 necessary administrative services and facilities to the Office
22 of the Independent Juvenile Ombudsperson ~~Ombudsman~~.

23 (b) The Office of Independent Juvenile Ombudsperson
24 ~~Ombudsman~~ shall have the following duties:

25 (1) review and monitor the implementation of the rules

1 and standards established by the Department of Juvenile
2 Justice and evaluate the delivery of services to youth to
3 ensure that the rights of youth are fully observed;

4 (2) provide assistance to a youth or family whom the
5 Ombudsperson ~~Ombudsman~~ determines is in need of
6 assistance, including advocating with an agency, provider,
7 or other person in the best interests of the youth;

8 (3) investigate and attempt to resolve complaints made
9 by or on behalf of youth, other than complaints alleging
10 criminal behavior or violations of the State Officials and
11 Employees Ethics Act, if the Office determines that the
12 investigation and resolution would further the purpose of
13 the Office, and:

14 (A) a youth committed to the Department of
15 Juvenile Justice or the youth's family is in need of
16 assistance from the Office; or

17 (B) a systemic issue in the Department of Juvenile
18 Justice's provision of services is raised by a
19 complaint;

20 (4) review or inspect periodically the facilities and
21 procedures of any facility in which a youth has been
22 placed by the Department of Juvenile Justice to ensure
23 that the rights of youth are fully observed; and

24 (5) be accessible to and meet confidentially and
25 regularly with youth committed to the Department and serve
26 as a resource by informing them of pertinent laws, rules,

1 and policies, and their rights thereunder.

2 (c) The following cases shall be reported immediately to
3 the Director of Juvenile Justice and the Governor:

4 (1) cases of severe abuse or injury of a youth;

5 (2) serious misconduct, misfeasance, malfeasance, or
6 serious violations of policies and procedures concerning
7 the administration of a Department of Juvenile Justice
8 program or operation;

9 (3) serious problems concerning the delivery of
10 services in a facility operated by or under contract with
11 the Department of Juvenile Justice;

12 (4) interference by the Department of Juvenile Justice
13 with an investigation conducted by the Office; and

14 (5) other cases as deemed necessary by the
15 Ombudsperson ~~Ombudsman~~.

16 (d) Notwithstanding any other provision of law, the
17 Ombudsperson ~~Ombudsman~~ may not investigate alleged criminal
18 behavior or violations of the State Officials and Employees
19 Ethics Act. If the Ombudsperson ~~Ombudsman~~ determines that a
20 possible criminal act has been committed, or that special
21 expertise is required in the investigation, the Ombudsperson
22 ~~he or she~~ shall immediately notify the Illinois State Police.
23 If the Ombudsperson ~~Ombudsman~~ determines that a possible
24 violation of the State Officials and Employees Ethics Act has
25 occurred, the Ombudsperson ~~he or she~~ shall immediately refer
26 the incident to the Office of the Governor's Executive

1 Inspector General for investigation. If the Ombudsperson
2 ~~Ombudsman~~ receives a complaint from a youth or third party
3 regarding suspected abuse or neglect of a child, the
4 Ombudsperson ~~Ombudsman~~ shall refer the incident to the Child
5 Abuse and Neglect Hotline or to the Illinois State Police as
6 mandated by the Abused and Neglected Child Reporting Act. Any
7 investigation conducted by the Ombudsperson ~~Ombudsman~~ shall
8 not be duplicative and shall be separate from any
9 investigation mandated by the Abused and Neglected Child
10 Reporting Act. All investigations conducted by the
11 Ombudsperson ~~Ombudsman~~ shall be conducted in a manner designed
12 to ensure the preservation of evidence for possible use in a
13 criminal prosecution.

14 (e) In performance of the Ombudsperson's ~~his or her~~
15 duties, the Ombudsperson ~~Ombudsman~~ may:

- 16 (1) review court files of youth;
- 17 (2) recommend policies, rules, and legislation
18 designed to protect youth;
- 19 (3) make appropriate referrals under any of the duties
20 and powers listed in this Section;
- 21 (4) attend internal administrative and disciplinary
22 hearings to ensure the rights of youth are fully observed
23 and advocate for the best interest of youth when deemed
24 necessary; and
- 25 (5) perform other acts, otherwise permitted or
26 required by law, in furtherance of the purpose of the

1 Office.

2 (f) To assess if a youth's rights have been violated, the
3 Ombudsperson ~~Ombudsman~~ may, in any matter that does not
4 involve alleged criminal behavior, contact or consult with an
5 administrator, employee, youth, parent, expert, or any other
6 individual in the course of the Ombudsperson's ~~his or her~~
7 investigation or to secure information as necessary to fulfill
8 the Ombudsperson's ~~his or her~~ duties.

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

10 (730 ILCS 5/3-2.7-30)

11 Sec. 3-2.7-30. Duties of the Department of Juvenile
12 Justice.

13 (a) The Department of Juvenile Justice shall allow any
14 youth to communicate with the Ombudsperson ~~Ombudsman~~ or a
15 deputy at any time. The communication:

16 (1) may be in person, by phone, by mail, or by any
17 other means deemed appropriate in light of security
18 concerns; and

19 (2) is confidential and privileged.

20 (b) The Department shall allow the Ombudsperson ~~Ombudsman~~
21 and deputies full and unannounced access to youth and
22 Department facilities at any time. The Department shall
23 furnish the Ombudsperson ~~Ombudsman~~ and deputies with
24 appropriate meeting space in each facility in order to
25 preserve confidentiality.

1 (c) The Department shall allow the Ombudsperson ~~Ombudsman~~
2 and deputies to participate in professional development
3 opportunities provided by the Department of Juvenile Justice
4 as practical and to attend appropriate professional training
5 when requested by the Ombudsperson ~~Ombudsman~~.

6 (d) The Department shall provide the Ombudsperson
7 ~~Ombudsman~~ copies of critical incident reports involving a
8 youth residing in a facility operated by the Department.
9 Critical incidents include, but are not limited to, severe
10 injuries that result in hospitalization, suicide attempts that
11 require medical intervention, sexual abuse, and escapes.

12 (e) The Department shall provide the Ombudsperson
13 ~~Ombudsman~~ with reasonable advance notice of all internal
14 administrative and disciplinary hearings regarding a youth
15 residing in a facility operated by the Department.

16 (f) The Department of Juvenile Justice may not discharge,
17 demote, discipline, or in any manner discriminate or retaliate
18 against a youth or an employee who in good faith makes a
19 complaint to the Office of the Independent Juvenile
20 Ombudsperson ~~Ombudsman~~ or cooperates with the Office.

21 (Source: P.A. 98-1032, eff. 8-25-14.)

22 (730 ILCS 5/3-2.7-35)

23 Sec. 3-2.7-35. Reports. The Independent Juvenile
24 Ombudsperson ~~Ombudsman~~ shall provide to the General Assembly
25 and the Governor, no later than January 1 of each year, a

1 summary of activities done in furtherance of the purpose of
2 the Office for the prior fiscal year. The summaries shall
3 contain data both aggregated and disaggregated by individual
4 facility and describe:

5 (1) the work of the Ombudsperson ~~Ombudsman~~;

6 (2) the status of any review or investigation
7 undertaken by the Ombudsperson ~~Ombudsman~~, but may not
8 contain any confidential or identifying information
9 concerning the subjects of the reports and investigations;
10 and

11 (3) any recommendations that the Independent Juvenile
12 Ombudsperson ~~Ombudsman~~ has relating to a systemic issue in
13 the Department of Juvenile Justice's provision of services
14 and any other matters for consideration by the General
15 Assembly and the Governor.

16 (Source: P.A. 98-1032, eff. 8-25-14.)

17 (730 ILCS 5/3-2.7-40)

18 Sec. 3-2.7-40. Complaints. The Office of Independent
19 Juvenile Ombudsperson ~~Ombudsman~~ shall promptly and efficiently
20 act on complaints made by or on behalf of youth filed with the
21 Office that relate to the operations or staff of the
22 Department of Juvenile Justice. The Office shall maintain
23 information about parties to the complaint, the subject matter
24 of the complaint, a summary of the results of the review or
25 investigation of the complaint, including any resolution of or

1 recommendations made as a result of the complaint. The Office
2 shall make information available describing its procedures for
3 complaint investigation and resolution. When applicable, the
4 Office shall notify the complaining youth that an
5 investigation and resolution may result in or will require
6 disclosure of the complaining youth's identity. The Office
7 shall periodically notify the complaint parties of the status
8 of the complaint until final disposition.

9 (Source: P.A. 98-1032, eff. 8-25-14.)

10 (730 ILCS 5/3-2.7-50)

11 Sec. 3-2.7-50. Promotion and awareness of Office. The
12 Independent Juvenile Ombudsperson ~~Ombudsman~~ shall promote
13 awareness among the public and youth of:

- 14 (1) the rights of youth committed to the Department;
- 15 (2) the purpose of the Office;
- 16 (3) how the Office may be contacted;
- 17 (4) the confidential nature of communications; and
- 18 (5) the services the Office provides.

19 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

20 (730 ILCS 5/3-2.7-55)

21 Sec. 3-2.7-55. Access to information of governmental
22 entities. The Department of Juvenile Justice shall provide the
23 Independent Juvenile Ombudsperson ~~Ombudsman~~ unrestricted
24 access to all master record files of youth under Section 3-5-1

1 of this Code. Access to educational, social, psychological,
2 mental health, substance abuse, and medical records shall not
3 be disclosed except as provided in Section 5-910 of the
4 Juvenile Court Act of 1987, the Mental Health and
5 Developmental Disabilities Confidentiality Act, the School
6 Code, and any applicable federal laws that govern access to
7 those records.

8 (Source: P.A. 98-1032, eff. 8-25-14.)

9 Section 70. The Emancipation of Minors Act is amended by
10 changing Sections 2, 3-2, 4, 7, and 9 as follows:

11 (750 ILCS 30/2) (from Ch. 40, par. 2202)

12 Sec. 2. Purpose and policy. The purpose of this Act is to
13 provide a means by which a mature minor who has demonstrated
14 the ability and capacity to manage the minor's ~~his~~ own affairs
15 and to live wholly or partially independent of the minor's ~~his~~
16 parents or guardian, may obtain the legal status of an
17 emancipated person with power to enter into valid legal
18 contracts.

19 This Act is not intended to interfere with the integrity
20 of the family or the rights of parents and their children. No
21 order of complete or partial emancipation may be entered under
22 this Act if there is any objection by the minor. An order of
23 complete or partial emancipation may be entered under this Act
24 if there is an objection by the minor's parents or guardian

1 only if the court finds, in a hearing, that emancipation would
2 be in the minor's best interests. This Act does not limit or
3 exclude any other means either in statute or case law by which
4 a minor may become emancipated.

5 (g) Beginning January 1, 2019, and annually thereafter
6 through January 1, 2024, the Department of Human Services
7 shall submit annual reports to the General Assembly regarding
8 homeless minors older than 16 years of age but less than 18
9 years of age referred to a youth transitional housing program
10 for whom parental consent to enter the program is not
11 obtained. The report shall include the following information:

12 (1) the number of homeless minors referred to youth
13 transitional housing programs;

14 (2) the number of homeless minors who were referred
15 but a licensed youth transitional housing program was not
16 able to provide housing and services, and what subsequent
17 steps, if any, were taken to ensure that the homeless
18 minors were referred to an appropriate and available
19 alternative placement;

20 (3) the number of homeless minors who were referred
21 but determined to be ineligible for a youth transitional
22 housing program and the reason why the homeless minors
23 were determined to be ineligible, and what subsequent
24 steps, if any, were taken to ensure that the homeless
25 minors were referred to an appropriate and available
26 alternative placement; and

1 (4) the number of homeless minors who voluntarily left
2 the program and who were dismissed from the program while
3 they were under the age of 18, and what subsequent steps,
4 if any, were taken to ensure that the homeless minors were
5 referred to an appropriate and available alternative
6 placement.

7 (Source: P.A. 100-162, eff. 1-1-18; 101-135, eff. 7-26-19.)

8 (750 ILCS 30/3-2) (from Ch. 40, par. 2203-2)

9 Sec. 3-2. Mature minor. "Mature minor" means a person 16
10 years of age or over and under the age of 18 years who has
11 demonstrated the ability and capacity to manage the minor's
12 ~~his~~ own affairs and to live wholly or partially independent of
13 the minor's ~~his~~ parents or guardian.

14 (Source: P.A. 81-833.)

15 (750 ILCS 30/4) (from Ch. 40, par. 2204)

16 Sec. 4. Jurisdiction. The circuit court in the county
17 where the minor resides, is found, owns property, or in which a
18 court action affecting the interests of the minor is pending,
19 may, upon the filing of a petition on behalf of the minor by
20 the minor's ~~his~~ next friend, parent or guardian and after any
21 hearing or notice to all persons as set forth in Sections 7, 8,
22 and 9 of this Act, enter a finding that the minor is a mature
23 minor and order complete or partial emancipation of the minor.
24 The court in its order for partial emancipation may

1 specifically limit the rights and responsibilities of the
2 minor seeking emancipation.

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

4 (750 ILCS 30/7) (from Ch. 40, par. 2207)

5 Sec. 7. Petition. The petition for emancipation shall be
6 verified and shall set forth: (1) the age of the minor; (2)
7 that the minor is a resident of Illinois at the time of the
8 filing of the petition, or owns real estate in Illinois, or has
9 an interest or is a party in any case pending in Illinois; (3)
10 the cause for which the minor seeks to obtain partial or
11 complete emancipation; (4) the names of the minor's parents,
12 and the address, if living; (5) the names and addresses of any
13 guardians or custodians appointed for the minor; (6) that the
14 minor is a mature minor who has demonstrated the ability and
15 capacity to manage the minor's ~~his~~ own affairs and (7) that the
16 minor has lived wholly or partially independent of the minor's
17 ~~his~~ parents or guardian.

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

19 (750 ILCS 30/9) (from Ch. 40, par. 2209)

20 Sec. 9. Hearing on petition.

21 (a) Mature minor. Before proceeding to a hearing on the
22 petition for emancipation of a mature minor the court shall
23 advise all persons present of the nature of the proceedings,
24 and their rights and responsibilities if an order of

1 emancipation should be entered.

2 If, after the hearing, the court determines that the minor
3 is a mature minor who is of sound mind and has the capacity and
4 maturity to manage the minor's ~~his~~ own affairs including the
5 minor's ~~his~~ finances, and that the best interests of the minor
6 and the minor's ~~his~~ family will be promoted by declaring the
7 minor an emancipated minor, the court shall enter a finding
8 that the minor is an emancipated minor within the meaning of
9 this Act, or that the mature minor is partially emancipated
10 with such limitations as the court by order deems appropriate.
11 No order of complete or partial emancipation may be entered
12 under this Act if there is any objection by the minor. An order
13 of complete or partial emancipation may be entered under this
14 Act if there is an objection by the minor's parents or guardian
15 only if the court finds, in a hearing, that emancipation would
16 be in the minor's best interests.

17 (b) (Blank).

18 (Source: P.A. 100-162, eff. 1-1-18; 101-135, eff. 7-26-19.)

19 Section 995. No acceleration or delay. Where this Act
20 makes changes in a statute that is represented in this Act by
21 text that is not yet or no longer in effect (for example, a
22 Section represented by multiple versions), the use of that
23 text does not accelerate or delay the taking effect of (i) the
24 changes made by this Act or (ii) provisions derived from any
25 other Public Act.

1 Section 999. Effective date. This Act takes effect 60 days
2 after becoming law.