



Rep. Marcus C. Evans, Jr.

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1 AMENDMENT TO HOUSE BILL 4781

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4781 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Kinship in  
5 Demand (KIND) Act.

6 Section 2. Legislative findings and declaration of policy.  
7 The General Assembly finds, determines, and declares the  
8 following:

9 (1) The Kinship in Demand Act creates the statutory  
10 vision and authority for the Department of Children and  
11 Family Services to execute a kin-first approach to service  
12 delivery and directs the juvenile courts to provide  
13 necessary oversight of the Department's obligations to  
14 maintain family connections and promote equitable  
15 opportunities for youth and families to thrive with  
16 relational permanence.

1           (2) Connection to family, community, and culture  
2 creates emotional and relational permanency. Emotional and  
3 relational permanency includes recognizing and supporting  
4 many types of important long-term relationships that help  
5 a youth feel loved and connected.

6           (3) Federal policy prioritizes placement with  
7 relatives or close family friends when youth enter into  
8 the foster system. Research consistently demonstrates that  
9 placing youth with their kin lessens the trauma of family  
10 separation, reduces placement disruptions, enhances  
11 permanency options if youth cannot be reunified, results  
12 in higher placement satisfaction for youth in care, and  
13 delivers better social, behavioral, mental health, and  
14 educational outcomes for youth than non-kin foster care.

15           (4) Kinship placements are not only more stable, they  
16 are shown to reduce the time to permanence when both  
17 subsidized guardianship and adoption are available as  
18 permanency options. By making the duration in foster care  
19 shorter, kinship placements can help to mitigate the  
20 long-term consequences of family separation. This reality  
21 means that the State should encourage kinship  
22 guardianship, and carefully consider how such arrangements  
23 help children with existing family structures which can be  
24 damaged by the termination of parental rights.

25           (5) It is in the State's public policy interest to  
26 adopt a kin-first culture for the Illinois foster system

1 and ensure that youth placed in the care of relatives by  
2 the Department of Children and Family Services receive  
3 equitable resources and permanency planning tailored to  
4 each family's unique needs. The Department of Children and  
5 Family Services must promote kinship placement, help youth  
6 in care maintain connections with their families, tailor  
7 services and supports to kinship families, and listen to  
8 the voices of youth, their families, and kinship  
9 caregivers to materially improve young people's  
10 experiences. The Department's policies and resource  
11 allocations must align with kin-first values and the  
12 Department must pursue federal funding opportunities to  
13 enhance kinship care. Lawyers and judges in juvenile court  
14 play a meaningful role in creating a kin-first culture.  
15 The juvenile court must have sufficient information at all  
16 stages of the process to provide essential judicial  
17 oversight of the Department's efforts to contact and  
18 engage relatives.

19 (6) The financial costs of raising a child, whether  
20 borne by a relative or a foster parent, are significant.  
21 Youth in care who are placed with relatives should not be  
22 deprived of the financial resources available to  
23 non-relative foster parents. Foster home licensing  
24 standards comprise the foundation on which different and  
25 insufficient financial support for relative caregivers  
26 compared to non-relatives is built, a disparity that

1 undermines the economic security, well-being, and  
2 equitable access to federal foster care maintenance  
3 payments for youth living with kin. In September 2023, the  
4 U.S. Department of Health and Human Services authorized  
5 states to voluntarily establish different licensing or  
6 approval standards for kinship caregivers to remove  
7 barriers to kinship caregiving that harms youth and  
8 impedes attainment of permanency. To address inequities  
9 and harms, the General Assembly intends to effectuate this  
10 federal rule and to leverage every opportunity permitted  
11 by the federal government to obtain federal funds for (i)  
12 family finding and relative placements, including payments  
13 for kinship caregivers at least equivalent to those  
14 provided to licensed foster parents and (ii) kinship  
15 navigator programs, which the federal government asserts  
16 are essential components of the foster system, designed to  
17 support kinship caregivers who are providing homes for  
18 youth in care.

19 Section 5. The Children and Family Services Act is amended  
20 by changing Sections 4d, 5, 6a, 7, and 7.3 and by adding  
21 Sections 46 and 55 as follows:

22 (20 ILCS 505/4d)

23 Sec. 4d. Definitions ~~Definition~~. As used in this Act:

24 "Caregiver" means a certified relative caregiver, relative

1 caregiver, or foster parent with whom a youth in care is  
2 placed.

3 "Certified relative caregiver" has the meaning ascribed to  
4 that term in Section 2.36 of the Child Care Act of 1969.

5 "Certified relative caregiver home" has the meaning  
6 ascribed to that term in Section 2.37 of the Child Care Act of  
7 1969.

8 "Fictive kin" means a person who is unrelated to a child by  
9 birth, marriage, tribal custom, or adoption who is shown to  
10 have significant and close personal or emotional ties with the  
11 child or the child's family prior to the child's placement  
12 with the person.

13 "Relative" means a person who is: (i) related to a child by  
14 blood, marriage, tribal custom, adoption, or to a child's  
15 sibling in any of the foregoing ways, even though the person is  
16 not related to the child, when the child and the child's  
17 sibling are placed together with that person or (ii) fictive  
18 kin. For children who have been in the guardianship of the  
19 Department following the termination of their parents'  
20 parental rights, been adopted or placed in subsidized or  
21 unsubsidized guardianship, and are subsequently returned to  
22 the temporary custody or guardianship of the Department,  
23 "relative" includes any person who would have qualified as a  
24 relative under this Section prior to the termination of the  
25 parents' parental rights if the Department determines, and  
26 documents, or the court finds that it would be in the child's

1 best interests to consider this person a relative, based upon  
2 the factors for determining best interests set forth in  
3 subsection (4.05) of Section 1-3 of the Juvenile Court Act of  
4 1987.

5 "Relative caregiver" means a person responsible for the  
6 care and supervision of a child placed by the Department,  
7 other than the parent, who is a relative.

8 "Relative home" means a home of a relative that is not a  
9 foster family home or a certified relative caregiver home but  
10 provides care to a child placed by the Department who is a  
11 relative of a household member of the relative's home.

12 "Subsidized guardian" means a person who signs a  
13 subsidized guardianship agreement prior to being appointed as  
14 plenary guardian of the person of a minor.

15 "Subsidized guardianship" means a permanency outcome when  
16 a relative caregiver or licensed foster parent is appointed as  
17 a plenary guardian of the person of a minor exiting the foster  
18 care system, who receives guardianship assistance program  
19 payments. Payments may be funded through State funds, federal  
20 funds, or both State and federal funds.

21 "Youth in care" means persons placed in the temporary  
22 custody or guardianship of the Department pursuant to the  
23 Juvenile Court Act of 1987.

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

1           Sec. 5. Direct child welfare services; Department of  
2 Children and Family Services. To provide direct child welfare  
3 services when not available through other public or private  
4 child care or program facilities.

5           (a) For purposes of this Section:

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

9           (A) were committed to the Department pursuant to  
10 the Juvenile Court Act or the Juvenile Court Act of  
11 1987 and who continue under the jurisdiction of the  
12 court; or

13           (B) were accepted for care, service and training  
14 by the Department prior to the age of 18 and whose best  
15 interest in the discretion of the Department would be  
16 served by continuing that care, service and training  
17 because of severe emotional disturbances, physical  
18 disability, social adjustment or any combination  
19 thereof, or because of the need to complete an  
20 educational or vocational training program.

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

25           (3) "Child welfare services" means public social  
26 services which are directed toward the accomplishment of

1 the following purposes:

2 (A) protecting and promoting the health, safety  
3 and welfare of children, including homeless,  
4 dependent, or neglected children;

5 (B) remedying, or assisting in the solution of  
6 problems which may result in, the neglect, abuse,  
7 exploitation, or delinquency of children;

8 (C) preventing the unnecessary separation of  
9 children from their families by identifying family  
10 problems, assisting families in resolving their  
11 problems, and preventing the breakup of the family  
12 where the prevention of child removal is desirable and  
13 possible when the child can be cared for at home  
14 without endangering the child's health and safety;

15 (D) restoring to their families children who have  
16 been removed, by the provision of services to the  
17 child and the families when the child can be cared for  
18 at home without endangering the child's health and  
19 safety;

20 (E) placing children in suitable permanent family  
21 arrangements, through guardianship or adoption, in  
22 cases where restoration to the birth family is not  
23 safe, possible, or appropriate;

24 (F) at the time of placement, conducting  
25 concurrent planning, as described in subsection (1-1)  
26 of this Section, so that permanency may occur at the



1 earliest opportunity. Consideration should be given so  
2 that if reunification fails or is delayed, the  
3 placement made is the best available placement to  
4 provide permanency for the child;

5 (G) (blank);

6 (H) (blank); and

7 (I) placing and maintaining children in facilities  
8 that provide separate living quarters for children  
9 under the age of 18 and for children 18 years of age  
10 and older, unless a child 18 years of age is in the  
11 last year of high school education or vocational  
12 training, in an approved individual or group treatment  
13 program, in a licensed shelter facility, or secure  
14 child care facility. The Department is not required to  
15 place or maintain children:

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

17 (ii) who are persons with a developmental  
18 disability, as defined in the Mental Health and  
19 Developmental Disabilities Code, or

20 (iii) who are female children who are  
21 pregnant, pregnant and parenting, or parenting, or

22 (iv) who are siblings, in facilities that  
23 provide separate living quarters for children 18  
24 years of age and older and for children under 18  
25 years of age.

26 (b) (Blank).

1 (b-5) The Department shall adopt rules to establish a  
2 process for all licensed residential providers in Illinois to  
3 submit data as required by the Department, if they contract or  
4 receive reimbursement for children's mental health, substance  
5 use, and developmental disability services from the Department  
6 of Human Services, the Department of Juvenile Justice, or the  
7 Department of Healthcare and Family Services. The requested  
8 data must include, but is not limited to, capacity, staffing,  
9 and occupancy data for the purpose of establishing State need  
10 and placement availability.

11 All information collected, shared, or stored pursuant to  
12 this subsection shall be handled in accordance with all State  
13 and federal privacy laws and accompanying regulations and  
14 rules, including without limitation the federal Health  
15 Insurance Portability and Accountability Act of 1996 (Public  
16 Law 104-191) and the Mental Health and Developmental  
17 Disabilities Confidentiality Act.

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

23 (d) The Director may authorize advance disbursements for  
24 any new program initiative to any agency contracting with the  
25 Department. As a prerequisite for an advance disbursement, the  
26 contractor must post a surety bond in the amount of the advance

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

15 (e) (Blank).

16 (f) (Blank).

17 (g) The Department shall establish rules and regulations  
18 concerning its operation of programs designed to meet the  
19 goals of child safety and protection, family preservation, and  
20 permanency, ~~family reunification, and adoption~~, including, but  
21 not limited to:

22 (1) reunification, guardianship, and adoption;

23 (2) relative and licensed foster care;

24 (3) family counseling;

25 (4) protective services;

26 (5) (blank);

- 1 (6) homemaker service;
- 2 (7) return of runaway children;
- 3 (8) (blank);
- 4 (9) placement under Section 5-7 of the Juvenile Court
- 5 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
- 6 Court Act of 1987 in accordance with the federal Adoption
- 7 Assistance and Child Welfare Act of 1980; and
- 8 (10) interstate services.

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

20 (h) If the Department finds that there is no appropriate  
21 program or facility within or available to the Department for  
22 a youth in care and that no licensed private facility has an  
23 adequate and appropriate program or none agrees to accept the  
24 youth in care, the Department shall create an appropriate  
25 individualized, program-oriented plan for such youth in care.  
26 The plan may be developed within the Department or through

1 purchase of services by the Department to the extent that it is  
2 within its statutory authority to do.

3 (i) Service programs shall be available throughout the  
4 State and shall include but not be limited to the following  
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; ~~and~~

11 (6) emergency assistance and advocacy; ~~and~~ -

12 (7) kinship navigator and relative caregiver supports.

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

15 (1) comprehensive family-based services;

16 (2) assessments;

17 (3) respite care; and

18 (4) in-home health services.

19 The Department shall provide transportation for any of the  
20 services it makes available to children or families or for  
21 which it refers children or families.

22 (j) The Department may provide categories of financial  
23 assistance and education assistance grants, and shall  
24 establish rules and regulations concerning the assistance and  
25 grants, to persons who adopt or become subsidized guardians of  
26 children with physical or mental disabilities, children who

1 are older, or other hard-to-place children who (i) immediately  
2 prior to their adoption or subsidized guardianship were youth  
3 in care or (ii) were determined eligible for financial  
4 assistance with respect to a prior adoption and who become  
5 available for adoption because the prior adoption has been  
6 dissolved and the parental rights of the adoptive parents have  
7 been terminated or because the child's adoptive parents have  
8 died. The Department may continue to provide financial  
9 assistance and education assistance grants for a child who was  
10 determined eligible for financial assistance under this  
11 subsection (j) in the interim period beginning when the  
12 child's adoptive parents died and ending with the finalization  
13 of the new adoption of the child by another adoptive parent or  
14 parents. The Department may also provide categories of  
15 financial assistance and education assistance grants, and  
16 shall establish rules and regulations for the assistance and  
17 grants, to persons appointed guardian of the person under  
18 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
19 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
20 who were youth in care for 12 months immediately prior to the  
21 appointment of the guardian.

22 The amount of assistance may vary, depending upon the  
23 needs of the child and the adoptive parents or subsidized  
24 guardians, as set forth in the annual assistance agreement.  
25 Special purpose grants are allowed where the child requires  
26 special service but such costs may not exceed the amounts

1 which similar services would cost the Department if it were to  
2 provide or secure them as guardian of the child.

3 Any financial assistance provided under this subsection is  
4 inalienable by assignment, sale, execution, attachment,  
5 garnishment, or any other remedy for recovery or collection of  
6 a judgment or debt.

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

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

15 (l) The Department shall offer family preservation  
16 services, as defined in Section 8.2 of the Abused and  
17 Neglected Child Reporting Act, to help families, including  
18 adoptive and extended families. Family preservation services  
19 shall be offered (i) to prevent the placement of children in  
20 substitute care when the children can be cared for at home or  
21 in the custody of the person responsible for the children's  
22 welfare, (ii) to reunite children with their families, or  
23 (iii) to maintain an adoption or subsidized guardianship  
24 ~~adoptive placement~~. Family preservation services shall only be  
25 offered when doing so will not endanger the children's health  
26 or safety. With respect to children who are in substitute care

1 pursuant to the Juvenile Court Act of 1987, family  
2 preservation services shall not be offered if a goal other  
3 than those of subdivisions (A), (B), or (B-1) of subsection  
4 (2.3) ~~(2)~~ of Section 2-28 of that Act has been set, except that  
5 reunification services may be offered as provided in paragraph  
6 (F) of subsection (2.3) ~~(2)~~ of Section 2-28 of that Act.  
7 Nothing in this paragraph shall be construed to create a  
8 private right of action or claim on the part of any individual  
9 or child welfare agency, except that when a child is the  
10 subject of an action under Article II of the Juvenile Court Act  
11 of 1987 and the child's service plan calls for services to  
12 facilitate achievement of the permanency goal, the court  
13 hearing the action under Article II of the Juvenile Court Act  
14 of 1987 may order the Department to provide the services set  
15 out in the plan, if those services are not provided with  
16 reasonable promptness and if those services are available.

17 The Department shall notify the child and the child's  
18 family of the Department's responsibility to offer and provide  
19 family preservation services as identified in the service  
20 plan. The child and the child's family shall be eligible for  
21 services as soon as the report is determined to be  
22 "indicated". The Department may offer services to any child or  
23 family with respect to whom a report of suspected child abuse  
24 or neglect has been filed, prior to concluding its  
25 investigation under Section 7.12 of the Abused and Neglected  
26 Child Reporting Act. However, the child's or family's



1 willingness to accept services shall not be considered in the  
2 investigation. The Department may also provide services to any  
3 child or family who is the subject of any report of suspected  
4 child abuse or neglect or may refer such child or family to  
5 services available from other agencies in the community, even  
6 if the report is determined to be unfounded, if the conditions  
7 in the child's or family's home are reasonably likely to  
8 subject the child or family to future reports of suspected  
9 child abuse or neglect. Acceptance of such services shall be  
10 voluntary. The Department may also provide services to any  
11 child or family after completion of a family assessment, as an  
12 alternative to an investigation, as provided under the  
13 "differential response program" provided for in subsection  
14 (a-5) of Section 7.4 of the Abused and Neglected Child  
15 Reporting Act.

16 The Department may, at its discretion except for those  
17 children also adjudicated neglected or dependent, accept for  
18 care and training any child who has been adjudicated addicted,  
19 as a truant minor in need of supervision or as a minor  
20 requiring authoritative intervention, under the Juvenile Court  
21 Act or the Juvenile Court Act of 1987, but no such child shall  
22 be committed to the Department by any court without the  
23 approval of the Department. On and after January 1, 2015 (the  
24 effective date of Public Act 98-803) and before January 1,  
25 2017, a minor charged with a criminal offense under the  
26 Criminal Code of 1961 or the Criminal Code of 2012 or

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

1 hearings involving sanctions for violation of aftercare  
2 release conditions and aftercare release revocation hearings.

3 As soon as is possible ~~after August 7, 2009 (the effective~~  
4 ~~date of Public Act 96-134)~~, the Department shall develop and  
5 implement a special program of family preservation services to  
6 support intact, relative, foster, and adoptive families who  
7 are experiencing extreme hardships due to the difficulty and  
8 stress of caring for a child who has been diagnosed with a  
9 pervasive developmental disorder if the Department determines  
10 that those services are necessary to ensure the health and  
11 safety of the child. The Department may offer services to any  
12 family whether or not a report has been filed under the Abused  
13 and Neglected Child Reporting Act. The Department may refer  
14 the child or family to services available from other agencies  
15 in the community if the conditions in the child's or family's  
16 home are reasonably likely to subject the child or family to  
17 future reports of suspected child abuse or neglect. Acceptance  
18 of these services shall be voluntary. The Department shall  
19 develop and implement a public information campaign to alert  
20 health and social service providers and the general public  
21 about these special family preservation services. The nature  
22 and scope of the services offered and the number of families  
23 served under the special program implemented under this  
24 paragraph shall be determined by the level of funding that the  
25 Department annually allocates for this purpose. The term  
26 "pervasive developmental disorder" under this paragraph means

1 a neurological condition, including, but not limited to,  
2 Asperger's Syndrome and autism, as defined in the most recent  
3 edition of the Diagnostic and Statistical Manual of Mental  
4 Disorders of the American Psychiatric Association.

5 (1-1) The General Assembly recognizes that the best  
6 interests of the child require that the child be placed in a  
7 ~~the most~~ permanent living arrangement that is an appropriate  
8 option for the child, consistent with the child's best  
9 interest, using the factors set forth in subsection (4.05) of  
10 Section 1-3 of the Juvenile Court Act of 1987 as soon as is  
11 practically possible. To achieve this goal, the General  
12 Assembly directs the Department of Children and Family  
13 Services to conduct concurrent planning so that permanency may  
14 occur at the earliest opportunity. Permanent living  
15 arrangements may include prevention of placement of a child  
16 outside the home of the family when the child can be cared for  
17 at home without endangering the child's health or safety;  
18 reunification with the family, when safe and appropriate, if  
19 temporary placement is necessary; or movement of the child  
20 toward the most appropriate ~~permanent~~ living arrangement and  
21 ~~permanent~~ legal status.

22 When determining reasonable efforts to be made with  
23 respect to a child, as described in this subsection, and in  
24 making such reasonable efforts, the child's health and safety  
25 shall be the paramount concern.

26 When a child is placed in foster care, the Department

1 shall ensure and document that reasonable efforts were made to  
2 prevent or eliminate the need to remove the child from the  
3 child's home. The Department must make reasonable efforts to  
4 reunify the family when temporary placement of the child  
5 occurs unless otherwise required, pursuant to the Juvenile  
6 Court Act of 1987. At any time after the dispositional hearing  
7 where the Department believes that further reunification  
8 services would be ineffective, it may request a finding from  
9 the court that reasonable efforts are no longer appropriate.  
10 The Department is not required to provide further  
11 reunification services after such a finding.

12 A decision to place a child in substitute care shall be  
13 made with considerations of the child's health, safety, and  
14 best interests. The Department shall make diligent efforts to  
15 place the child with a relative, document those diligent  
16 efforts, and document reasons for any failure or inability to  
17 secure such a relative placement. If the primary issue  
18 preventing an emergency placement of a child with a relative  
19 is a lack of resources, including, but not limited to,  
20 concrete goods, safety modifications, and services, the  
21 Department shall make diligent efforts to assist the relative  
22 in obtaining the necessary resources. No later than January 1,  
23 2025, the Department shall adopt rules defining what is  
24 diligent and necessary in providing supports to potential  
25 relative placements. At the time of placement, consideration  
26 should also be given so that if reunification fails or is

1 delayed, the placement has the potential to be an appropriate  
2 permanent placement ~~made is the best available placement to~~  
3 ~~provide permanency~~ for the child.

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

8 (1) the likelihood of prompt reunification;

9 (2) the past history of the family;

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

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

13 (4.5) the child's wishes;

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

16 (6) the willingness and ability of the caregiver  
17 ~~foster family~~ to provide a permanent placement ~~an adoptive~~  
18 ~~home or long term placement;~~

19 (7) the age of the child;

20 (8) placement of siblings; and -

21 (9) the wishes of the parent or parents unless the  
22 parental preferences are contrary to the best interests of  
23 the child.

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

26 (1) it has received a written consent to such

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

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

9 If the child is found in the child's residence without a  
10 parent, guardian, custodian, or responsible caretaker, the  
11 Department may, instead of removing the child and assuming  
12 temporary custody, place an authorized representative of the  
13 Department in that residence until such time as a parent,  
14 guardian, or custodian enters the home and expresses a  
15 willingness and apparent ability to ensure the child's health  
16 and safety and resume permanent charge of the child, or until a  
17 relative enters the home and is willing and able to ensure the  
18 child's health and safety and assume charge of the child until  
19 a parent, guardian, or custodian enters the home and expresses  
20 such willingness and ability to ensure the child's safety and  
21 resume permanent charge. After a caretaker has remained in the  
22 home for a period not to exceed 12 hours, the Department must  
23 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
24 5-415 of the Juvenile Court Act of 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 were not in the temporary custody of the  
19 Department may deliver to the Department a signed request that  
20 the Department surrender the temporary custody of the child.  
21 The Department may retain temporary custody of the child for  
22 10 days after the receipt of the request, during which period  
23 the Department may cause to be filed a petition pursuant to the  
24 Juvenile Court Act of 1987. If a petition is so filed, the  
25 Department shall retain temporary custody of the child until  
26 the court orders otherwise. If a petition is not filed within



1 the 10-day period, the child shall be surrendered to the  
2 custody of the requesting parent, guardian, or custodian not  
3 later than the expiration of the 10-day period, at which time  
4 the authority and duties of the Department with respect to the  
5 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 caregivers ~~foster families~~ with whom those youth  
3 are 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 caregivers with whom those children are placed ~~foster~~  
10 ~~families~~. The Department shall accept for administrative  
11 review and an appeal hearing a complaint made by (i) a child or  
12 caregiver with whom the child is placed ~~foster family~~  
13 concerning a decision following an initial review by a private  
14 child welfare agency, or (ii) a prospective adoptive parent  
15 who alleges a violation of subsection (j-5) of this Section.  
16 An appeal of a decision concerning a change in the placement of  
17 a child shall be conducted in an expedited manner. A court  
18 determination that a current ~~foster home~~ placement is  
19 necessary and appropriate under Section 2-28 of the Juvenile  
20 Court Act of 1987 does not constitute a judicial determination  
21 on the merits of an administrative appeal, filed by a former  
22 caregiver ~~foster parent~~, involving a change of placement  
23 decision. No later than January 1, 2025, the Department shall  
24 adopt rules to develop a reconsideration process to review: a  
25 denial of certification of a relative, a denial of placement  
26 with a relative, and a denial of visitation with an identified

1 relative. Rules shall incorporate standards and criteria for  
2 reconsideration that incorporate the best interests of the  
3 child under Section 4.05 of the Juvenile Court Act of 1987,  
4 address situations where multiple relatives seek  
5 certification, and provide that all rules regarding placement  
6 changes shall be followed.

7 (p) (Blank).

8 (q) The Department may receive and use, in their entirety,  
9 for the benefit of children any gift, donation, or bequest of  
10 money or other property which is received on behalf of such  
11 children, or any financial benefits to which such children are  
12 or may become entitled while under the jurisdiction or care of  
13 the Department, except that the benefits described in Section  
14 5.46 must be used and conserved consistent with the provisions  
15 under Section 5.46.

16 The Department shall set up and administer no-cost,  
17 interest-bearing accounts in appropriate financial  
18 institutions for children for whom the Department is legally  
19 responsible and who have been determined eligible for  
20 Veterans' Benefits, Social Security benefits, assistance  
21 allotments from the armed forces, court ordered payments,  
22 parental voluntary payments, Supplemental Security Income,  
23 Railroad Retirement payments, Black Lung benefits, or other  
24 miscellaneous payments. Interest earned by each account shall  
25 be credited to the account, unless disbursed in accordance  
26 with this subsection.

1           In disbursing funds from children's accounts, the  
2 Department shall:

3           (1) Establish standards in accordance with State and  
4 federal laws for disbursing money from children's  
5 accounts. In all circumstances, the Department's  
6 Guardianship Administrator or the Guardianship  
7 Administrator's designee must approve disbursements from  
8 children's accounts. The Department shall be responsible  
9 for keeping complete records of all disbursements for each  
10 account for any purpose.

11           (2) Calculate on a monthly basis the amounts paid from  
12 State funds for the child's board and care, medical care  
13 not covered under Medicaid, and social services; and  
14 utilize funds from the child's account, as covered by  
15 regulation, to reimburse those costs. Monthly,  
16 disbursements from all children's accounts, up to 1/12 of  
17 \$13,000,000, shall be deposited by the Department into the  
18 General Revenue Fund and the balance over 1/12 of  
19 \$13,000,000 into the DCFS Children's Services Fund.

20           (3) Maintain any balance remaining after reimbursing  
21 for the child's costs of care, as specified in item (2).  
22 The balance shall accumulate in accordance with relevant  
23 State and federal laws and shall be disbursed to the child  
24 or the child's guardian, or to the issuing agency.

25           (r) The Department shall promulgate regulations  
26 encouraging all adoption agencies to voluntarily forward to

1 the Department or its agent names and addresses of all persons  
2 who have applied for and have been approved for adoption of a  
3 hard-to-place child or child with a disability and the names  
4 of such children who have not been placed for adoption. A list  
5 of such names and addresses shall be maintained by the  
6 Department or its agent, and coded lists which maintain the  
7 confidentiality of the person seeking to adopt the child and  
8 of the child shall be made available, without charge, to every  
9 adoption agency in the State to assist the agencies in placing  
10 such children for adoption. The Department may delegate to an  
11 agent its duty to maintain and make available such lists. The  
12 Department shall ensure that such agent maintains the  
13 confidentiality of the person seeking to adopt the child and  
14 of the child.

15 (s) The Department of Children and Family Services may  
16 establish and implement a program to reimburse caregivers  
17 ~~Department and private child welfare agency foster parents~~  
18 licensed, certified, or otherwise approved by the Department  
19 of Children and Family Services for damages sustained by the  
20 caregivers ~~foster parents~~ as a result of the malicious or  
21 negligent acts of ~~foster~~ children placed by the Department, as  
22 well as providing third party coverage for such caregivers  
23 ~~foster parents~~ with regard to actions of ~~foster~~ children  
24 placed by the Department to other individuals. Such coverage  
25 will be secondary to the caregiver's ~~foster parent~~ liability  
26 insurance policy, if applicable. The program shall be funded

1 through appropriations from the General Revenue Fund,  
2 specifically designated for such purposes.

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

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

9 (2) the court has ordered one or both of the parties to  
10 the proceeding to reimburse the Department for its  
11 reasonable costs for providing such services in accordance  
12 with Department rules, or has determined that neither  
13 party is financially able to pay.

14 The Department shall provide written notification to the  
15 court of the specific arrangements for supervised visitation  
16 and projected monthly costs within 60 days of the court order.  
17 The Department shall send to the court information related to  
18 the costs incurred except in cases where the court has  
19 determined the parties are financially unable to pay. The  
20 court may order additional periodic reports as appropriate.

21 (u) In addition to other information that must be  
22 provided, whenever the Department places a child with a  
23 prospective adoptive parent or parents, in a licensed foster  
24 home, group home, or child care institution, ~~or~~ in a relative  
25 home, or in a certified relative caregiver home, the  
26 Department shall provide to the caregiver, appropriate



1 facility staff, or prospective adoptive parent or parents ~~or~~  
2 ~~other caretaker:~~

3 (1) available detailed information concerning the  
4 child's educational and health history, copies of  
5 immunization records (including insurance and medical card  
6 information), a history of the child's previous  
7 placements, if any, and reasons for placement changes  
8 excluding any information that identifies or reveals the  
9 location of any previous caregiver or adoptive parents  
10 ~~caretaker;~~

11 (2) a copy of the child's portion of the client  
12 service plan, including any visitation arrangement, and  
13 all amendments or revisions to it as related to the child;  
14 and

15 (3) information containing details of the child's  
16 individualized educational plan when the child is  
17 receiving special education services.

18 The caregiver, appropriate facility staff, or prospective  
19 adoptive parent or parents, caretaker shall be informed of any  
20 known social or behavioral information (including, but not  
21 limited to, criminal background, fire setting, perpetuation of  
22 sexual abuse, destructive behavior, and substance abuse)  
23 necessary to care for and safeguard the children to be placed  
24 or currently in the home or setting. The Department may  
25 prepare a written summary of the information required by this  
26 paragraph, which may be provided to the caregiver, appropriate

1 facility staff, or ~~foster or~~ prospective adoptive parent in  
2 advance of a placement. The caregiver, appropriate facility  
3 staff, ~~foster~~ or prospective adoptive parent may review the  
4 supporting documents in the child's file in the presence of  
5 casework staff. In the case of an emergency placement,  
6 casework staff shall at least provide known information  
7 verbally, if necessary, and must subsequently provide the  
8 information in writing as required by this subsection.

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

26 (u-5) Beginning January 1, 2025, certified relative

1 caregiver homes under Section 3.4 of the Child Care Act of 1969  
2 shall be eligible to receive foster care maintenance payments  
3 from the Department in an amount no less than payments made to  
4 licensed foster family homes. Beginning July 1, 2025, relative  
5 homes providing care to a child placed by the Department that  
6 are not a certified relative caregiver home under Section 3.4  
7 of the Child Care Act of 1969 or a licensed foster family home  
8 shall be eligible to receive payments from the Department in  
9 an amount no less 90% of the payments made to licensed foster  
10 family homes and certified relative caregiver homes. Effective  
11 ~~July 1, 1995, only foster care placements licensed as foster~~  
12 ~~family homes pursuant to the Child Care Act of 1969 shall be~~  
13 ~~eligible to receive foster care payments from the Department.~~  
14 ~~Relative caregivers who, as of July 1, 1995, were approved~~  
15 ~~pursuant to approved relative placement rules previously~~  
16 ~~promulgated by the Department at 89 Ill. Adm. Code 335 and had~~  
17 ~~submitted an application for licensure as a foster family home~~  
18 ~~may continue to receive foster care payments only until the~~  
19 ~~Department determines that they may be licensed as a foster~~  
20 ~~family home or that their application for licensure is denied~~  
21 ~~or until September 30, 1995, whichever occurs first.~~

22 (u-6) To assist relative and certified relative  
23 caregivers, no later than January 1, 2025, the Department  
24 shall adopt rules to implement a relative support program, as  
25 follows:

26 (1) For relative and certified relative caregivers,

1 the Department is authorized to reimburse or prepay  
2 reasonable expenditures to remedy home conditions  
3 necessary to fulfill the home safety-related requirements  
4 of relative caregiver homes.

5 (2) The Department may provide short-term emergency  
6 funds to relative and certified relative caregiver homes  
7 experiencing extreme hardships due to the difficulty and  
8 stress associated with adding youth in care as new  
9 household members.

10 (3) Consistent with federal law, the Department shall  
11 include in any State Plan made in accordance with the  
12 Adoption Assistance and Child Welfare Act of 1980, Titles  
13 IV-E and XIX of the Social Security, and any other  
14 applicable federal laws the provision of kinship navigator  
15 program services. The Department shall apply for and  
16 administer all relevant federal aid in accordance with  
17 law. Federal funds acquired for the kinship navigator  
18 program shall be used for the development, implementation,  
19 and operation of kinship navigator program services. The  
20 kinship navigator program services may provide  
21 information, referral services, support, and assistance to  
22 relative and certified relative caregivers of youth in  
23 care to address their unique needs and challenges. Until  
24 the Department is approved to receive federal funds for  
25 these purposes, the Department shall publicly post on the  
26 Department's website semi-annual updates regarding the

1 Department's progress in pursuing federal funding.

2 (u-7) To support finding permanency for children through  
3 subsidized guardianship and adoption and to prevent disruption  
4 in guardianship and adoptive placements, the Department shall  
5 establish and maintain accessible subsidized guardianship and  
6 adoption support services for all children under 18 years of  
7 age placed in guardianship or adoption who, immediately  
8 preceding the guardianship or adoption, were in the custody or  
9 guardianship of the Department under Article II of the  
10 Juvenile Court Act of 1987.

11 The Department shall establish and maintain a toll-free  
12 number to respond to requests from the public about its  
13 subsidized guardianship and adoption support services under  
14 this subsection and shall staff the toll-free number so that  
15 calls are answered on a timely basis, but in no event more than  
16 one business day after the receipt of a request. To meet this  
17 obligation, the Department may utilize the same toll-free  
18 number the Department operates to respond to post-adoption  
19 requests under subsection (b-5) of Section 18.9 of the  
20 Adoption Act. The Department shall publicize information about  
21 the Department's subsidized guardianship support services and  
22 toll-free number as follows:

23 (1) it shall post information on the Department's  
24 website;

25 (2) it shall provide the information to every licensed  
26 child welfare agency and any entity providing subsidized

1 guardianship support services in Illinois courts;

2 (3) it shall reference such information in the  
3 materials the Department provides to caregivers pursuing  
4 subsidized guardianship to inform them of their rights and  
5 responsibilities under the Child Care Act of 1969 and this  
6 Act;

7 (4) it shall provide the information, including the  
8 Department's Post Adoption and Guardianship Services  
9 booklet, to eligible caregivers as part of its  
10 guardianship training and at the time they are presented  
11 with the Permanency Commitment form;

12 (5) it shall include, in each annual notification  
13 letter mailed to subsidized guardians, a short, 2-sided  
14 flier or news bulletin in plain language that describes  
15 access to post-guardianship services, how to access  
16 services under the Family Support Program, formerly known  
17 as the Individual Care Grant Program, the webpage address  
18 to the Post Adoption and Guardianship Services booklet,  
19 information on how to request that a copy of the booklet be  
20 mailed; and

21 (6) it shall ensure that kinship navigator programs of  
22 this State, when established, have this information to  
23 include in materials the programs provide to caregivers.

24 The Department shall review and update annually all  
25 information relating to its subsidized guardianship support  
26 services, including its Post Adoption and Guardianship

1 Services booklet, to include updated information on Family  
2 Support Program services eligibility and subsidized  
3 guardianship support services that are available through the  
4 medical assistance program established under Article V of the  
5 Illinois Public Aid Code or any other State program for mental  
6 health services. The Department and the Department of  
7 Healthcare and Family Services shall coordinate their efforts  
8 in the development of these resources.

9 Every licensed child welfare agency and any entity  
10 providing kinship navigator programs funded by the Department  
11 shall provide the Department's website address and link to the  
12 Department's subsidized guardianship support services  
13 information set forth in subsection (d), including the  
14 Department's toll-free number, to every relative who is or  
15 will be providing guardianship placement for a child placed by  
16 the Department.

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

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

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

24 (v-2) Prior to final approval for placement of a child  
25 with a foster or adoptive parent, the Department shall check  
26 its child abuse and neglect registry for information



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

7 (v-3) Prior to the final approval of final placement of a  
8 related child in a certified relative home as defined in  
9 Section 2.37 of the Child Care Act of 1969, the Department  
10 shall ensure that the background screening meets the standards  
11 required under subsection (c) of Section 3.4 of the Child Care  
12 Act of 1969.

13 (v-4) Prior to final approval for placement of a child  
14 with a relative, as defined in Section 4d of this Act, who is  
15 not a licensed foster parent, has declined to seek approval to  
16 be a certified relative caregiver, or was denied approval as a  
17 certified relative caregiver, the Department shall:

18 (i) check the child abuse and neglect registry for  
19 information concerning the prospective relative caregiver  
20 and any other adult living in the home. If any prospective  
21 relative caregiver or other adult living in the home has  
22 resided in another state in the preceding 5 years, the  
23 Department shall request a check of that other state's  
24 child abuse and neglect registry; and

25 (ii) conduct a criminal records background check of  
26 the prospective relative caregiver and all other adults

1 living in the home, including fingerprint-based checks of  
2 national crime information databases. Final approval for  
3 placement shall not be granted if the record check reveals  
4 a felony conviction for child abuse or neglect, for  
5 spousal abuse, for a crime against children, or for a  
6 crime involving violence, including rape, sexual assault,  
7 or homicide, but not including other physical assault or  
8 battery, or if there is a felony conviction for physical  
9 assault, battery, or a drug-related offense committed  
10 within the past 5 years; provided however, that the  
11 Department is empowered to grant a waiver as the  
12 Department may provide by rule, and the Department  
13 approves the request for the waiver based on a  
14 comprehensive evaluation of the caregiver and household  
15 members and the conditions relating to the safety of the  
16 placement.

17 (w) (Blank). ~~Within 120 days of August 20, 1995 (the~~  
18 ~~effective date of Public Act 89-392), the Department shall~~  
19 ~~prepare and submit to the Governor and the General Assembly, a~~  
20 ~~written plan for the development of in-state licensed secure~~  
21 ~~child care facilities that care for children who are in need of~~  
22 ~~secure living arrangements for their health, safety, and~~  
23 ~~well-being. For purposes of this subsection, secure care~~  
24 ~~facility shall mean a facility that is designed and operated~~  
25 ~~to ensure that all entrances and exits from the facility, a~~  
26 ~~building or a distinct part of the building, are under the~~

1 ~~exclusive control of the staff of the facility, whether or not~~  
2 ~~the child has the freedom of movement within the perimeter of~~  
3 ~~the facility, building, or distinct part of the building. The~~  
4 ~~plan shall include descriptions of the types of facilities~~  
5 ~~that are needed in Illinois; the cost of developing these~~  
6 ~~secure care facilities; the estimated number of placements;~~  
7 ~~the potential cost savings resulting from the movement of~~  
8 ~~children currently out of state who are projected to be~~  
9 ~~returned to Illinois; the necessary geographic distribution of~~  
10 ~~these facilities in Illinois; and a proposed timetable for~~  
11 ~~development of such facilities.~~

12 (x) The Department shall conduct annual credit history  
13 checks to determine the financial history of children placed  
14 under its guardianship pursuant to the Juvenile Court Act of  
15 1987. The Department shall conduct such credit checks starting  
16 when a youth in care turns 12 years old and each year  
17 thereafter for the duration of the guardianship as terminated  
18 pursuant to the Juvenile Court Act of 1987. The Department  
19 shall determine if financial exploitation of the child's  
20 personal information has occurred. If financial exploitation  
21 appears to have taken place or is presently ongoing, the  
22 Department shall notify the proper law enforcement agency, the  
23 proper State's Attorney, or the Attorney General.

24 (y) Beginning on July 22, 2010 (the effective date of  
25 Public Act 96-1189), a child with a disability who receives  
26 residential and educational services from the Department shall

1 be eligible to receive transition services in accordance with  
2 Article 14 of the School Code from the age of 14.5 through age  
3 21, inclusive, notwithstanding the child's residential  
4 services arrangement. For purposes of this subsection, "child  
5 with a disability" means a child with a disability as defined  
6 by the federal Individuals with Disabilities Education  
7 Improvement Act of 2004.

8 (z) The Department shall access criminal history record  
9 information as defined as "background information" in this  
10 subsection and criminal history record information as defined  
11 in the Illinois Uniform Conviction Information Act for each  
12 Department employee or Department applicant. Each Department  
13 employee or Department applicant shall submit the employee's  
14 or applicant's fingerprints to the Illinois State Police in  
15 the form and manner prescribed by the Illinois State Police.  
16 These fingerprints shall be checked against the fingerprint  
17 records now and hereafter filed in the Illinois State Police  
18 and the Federal Bureau of Investigation criminal history  
19 records databases. The Illinois State Police shall charge a  
20 fee for conducting the criminal history record check, which  
21 shall be deposited into the State Police Services Fund and  
22 shall not exceed the actual cost of the record check. The  
23 Illinois State Police shall furnish, pursuant to positive  
24 identification, all Illinois conviction information to the  
25 Department of Children and Family Services.

26 For purposes of this subsection:

1 "Background information" means all of the following:

2 (i) Upon the request of the Department of Children and  
3 Family Services, conviction information obtained from the  
4 Illinois State Police as a result of a fingerprint-based  
5 criminal history records check of the Illinois criminal  
6 history records database and the Federal Bureau of  
7 Investigation criminal history records database concerning  
8 a Department employee or Department applicant.

9 (ii) Information obtained by the Department of  
10 Children and Family Services after performing a check of  
11 the Illinois State Police's Sex Offender Database, as  
12 authorized by Section 120 of the Sex Offender Community  
13 Notification Law, concerning a Department employee or  
14 Department applicant.

15 (iii) Information obtained by the Department of  
16 Children and Family Services after performing a check of  
17 the Child Abuse and Neglect Tracking System (CANTS)  
18 operated and maintained by the Department.

19 "Department employee" means a full-time or temporary  
20 employee coded or certified within the State of Illinois  
21 Personnel System.

22 "Department applicant" means an individual who has  
23 conditional Department full-time or part-time work, a  
24 contractor, an individual used to replace or supplement staff,  
25 an academic intern, a volunteer in Department offices or on  
26 Department contracts, a work-study student, an individual or

1 entity licensed by the Department, or an unlicensed service  
2 provider who works as a condition of a contract or an agreement  
3 and whose work may bring the unlicensed service provider into  
4 contact with Department clients or client records.

5 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
6 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
7 1-1-24; 103-546, eff. 8-11-23; revised 9-25-23.)

8 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

9 Sec. 6a. Case plan.

10 (a) With respect to each Department client for whom the  
11 Department is providing placement service, the Department  
12 shall develop a case plan designed to stabilize the family  
13 situation and prevent placement of a child outside the home of  
14 the family when the child can be cared for at home without  
15 endangering the child's health or safety, reunify the family  
16 if temporary placement is necessary when safe and appropriate,  
17 or move the child toward an appropriate ~~the most~~ permanent  
18 living arrangement and permanent legal status, consistent with  
19 the child's best interest, using the factors set forth in  
20 subsection (4.05) of Section 1-3 of the Juvenile Court Act of  
21 1987. Such case plan shall provide for the utilization of  
22 family preservation services as defined in Section 8.2 of the  
23 Abused and Neglected Child Reporting Act. Such case plan shall  
24 be reviewed and updated every 6 months. The Department shall  
25 ensure that incarcerated parents are able to participate in

1 case plan reviews via teleconference or videoconference. Where  
2 appropriate, the case plan shall include recommendations  
3 concerning alcohol or drug abuse evaluation.

4 If the parent is incarcerated, the case plan must address  
5 the tasks that must be completed by the parent and how the  
6 parent will participate in the administrative case review and  
7 permanency planning hearings and, wherever possible, must  
8 include treatment that reflects the resources available at the  
9 facility where the parent is confined. The case plan must  
10 provide for visitation opportunities, unless visitation is not  
11 in the best interests of the child.

12 (b) The Department may enter into written agreements with  
13 child welfare agencies to establish and implement case plan  
14 demonstration projects. The demonstration projects shall  
15 require that service providers develop, implement, review and  
16 update client case plans. The Department shall examine the  
17 effectiveness of the demonstration projects in promoting the  
18 family reunification or the permanent placement of each client  
19 and shall report its findings to the General Assembly no later  
20 than 90 days after the end of the fiscal year in which any such  
21 demonstration project is implemented.

22 (Source: P.A. 99-836, eff. 1-1-17.)

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

24 Sec. 7. Placement of children; considerations.

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

1 shall place the child, as far as possible, in the care and  
2 custody of some individual holding the same religious belief  
3 as the parents of the child, or with some child care facility  
4 which is operated by persons of like religious faith as the  
5 parents of such child.

6 (a-5) In placing a child under this Act, the Department  
7 shall place the child with the child's sibling or siblings  
8 under Section 7.4 of this Act unless the placement is not in  
9 each child's best interest, or is otherwise not possible under  
10 the Department's rules. If the child is not placed with a  
11 sibling under the Department's rules, the Department shall  
12 consider placements that are likely to develop, preserve,  
13 nurture, and support sibling relationships, where doing so is  
14 in each child's best interest.

15 (b) In placing a child under this Act, the Department  
16 shall ~~may~~ place a child with a relative if the Department  
17 determines that the relative will be able to adequately  
18 provide for the child's safety and welfare based on the  
19 factors set forth in the Department's rules governing such  
20 ~~relative~~ placements, and that the placement is consistent with  
21 the child's best interests, taking into consideration the  
22 factors set out in subsection (4.05) of Section 1-3 of the  
23 Juvenile Court Act of 1987.

24 When the Department first assumes custody of a child, in  
25 placing that child under this Act, the Department shall make  
26 reasonable efforts to identify, locate, and provide notice to



1 all adult grandparents and other adult relatives of the child  
2 who are ready, willing, and able to care for the child. At a  
3 minimum, these diligent efforts shall be renewed each time the  
4 child requires a placement change and it is appropriate for  
5 the child to be cared for in a home environment. The Department  
6 must document its efforts to identify, locate, and provide  
7 notice to such potential relative placements and maintain the  
8 documentation in the child's case file. The Department shall  
9 complete the following initial family finding and relative  
10 engagement efforts:

11 (1) The Department shall conduct an investigation in  
12 order to identify and locate all grandparents, parents of  
13 a sibling of the child, if the parent has legal custody of  
14 the sibling, adult siblings, other adult relatives of the  
15 minor including any other adult relatives suggested by the  
16 parents, and, if it is known or there is reason to know the  
17 child is an Indian child, any extended family members, as  
18 defined in Section 4 of the Indian Child Welfare Act of  
19 1978 (25 U.S.C. 1903). The Department shall make diligent  
20 efforts to investigate the names and locations of the  
21 relatives, including, but not limited to, asking the minor  
22 in an age-appropriate manner and consistent with the  
23 child's best interest about any parent, alleged parent,  
24 and relatives important to the child, and obtaining  
25 information regarding the location of the child's parents,  
26 alleged parents, and adult relatives.

1           As used in this subsection (b), "family finding and  
2           relative engagement" means conducting an investigation,  
3           including, but not limited to, through a computer-based  
4           search engine, to identify any person who would be  
5           eligible to be a relative caregiver as defined in Section  
6           4d of this Act and to connect a child, consistent with the  
7           child's best interest, who may be disconnected from the  
8           child's parents, with those relatives and kin in an effort  
9           to provide family support or possible placement. If it is  
10           known or there is reason to know that the child is an  
11           Indian child, as defined in Section 4 of the Indian Child  
12           Welfare Act of 1978 (25 U.S.C. 1903), "family finding and  
13           relative engagement" also includes contacting the Indian  
14           child's tribe to identify relatives and kin. No later than  
15           July 1, 2025, the Department shall adopt rules setting  
16           forth specific criteria as to family finding and relative  
17           engagement efforts under this subsection (b) and under  
18           Section 2-27.3 of the Juvenile Court Act of 1987,  
19           including determining the manner in which efforts may or  
20           may not be appropriate, consistent with the best interests  
21           of the child.

22           (2) In accordance with Section 471(a)(29) of the  
23           Social Security Act, the Department shall make diligent  
24           efforts to provide all adult relatives who are located  
25           with written notification and oral notification, in person  
26           or by telephone, of all the following information:

1           (i) the minor has been removed from the custody of  
2           the minor's parent or guardian; and

3           (ii) an explanation of the various options to  
4           participate in the care and placement of the minor and  
5           support for the minor's family, including any options  
6           that may expire by failing to respond. The notice  
7           shall provide information about providing care for the  
8           minor while the family receives reunification services  
9           with the goal of returning the child to the parent or  
10           guardian, how to become a certified relative caregiver  
11           home, and additional services and support that are  
12           available in substitute care. The notice shall also  
13           include information regarding, adoption and subsidized  
14           guardianship assistance options, health care coverage  
15           for youth in care under the medical assistance program  
16           established under Article V of the Illinois Public Aid  
17           Code, and other options for contact with the minor,  
18           including, but not limited to, visitation. Upon  
19           establishing the Department's kinship navigator  
20           program, the notice shall also include information  
21           regarding that benefit.

22           The Department shall adopt rules as soon as practicable to  
23           implement the requirements of this subsection, including what  
24           constitutes "diligent efforts" and when exceptions, consistent  
25           with federal law, are appropriate.

26           The changes made to this subsection (b) by this amendatory

1 Act of the 103rd General Assembly are operative on and after  
2 July 1, 2025.

3 (b-5) (1) If the Department determines that a placement  
4 with any identified relative is not in the child's best  
5 interests or that the relative does not meet the requirements  
6 to be a relative caregiver, as set forth in Department rules or  
7 by statute, the Department must document the basis for that  
8 decision, ~~and~~ maintain the documentation in the child's case  
9 file, inform the identified relative of the relative's right  
10 to reconsideration of the decision to deny placement with the  
11 identified relative, provide the identified relative with a  
12 description of the reconsideration process established in  
13 accordance with subsection (o) of Section 5 of this Act, and  
14 report this information to the court in accordance with the  
15 requirements of Section 2-27.3 of the Juvenile Court Act of  
16 1987.

17 If, pursuant to the Department's rules, any person files  
18 an administrative appeal of the Department's decision not to  
19 place a child with a relative, it is the Department's burden to  
20 prove that the decision is consistent with the child's best  
21 interests. The Department shall report information related to  
22 these appeals pursuant to Section 46 of this Act.

23 When the Department determines that the child requires  
24 placement in an environment, other than a home environment,  
25 the Department shall continue to make reasonable efforts to  
26 identify and locate relatives to serve as visitation resources

1 for the child and potential future placement resources unless  
2 excused by the court, as outlined in Section 2-27.3 of the  
3 Juvenile Court Act of 1987. ~~, except when the Department~~  
4 ~~determines that those efforts would be futile or inconsistent~~  
5 ~~with the child's best interests.~~

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

11 If the Department determines that an individual or a group  
12 of relatives are inappropriate to serve as visitation  
13 resources or possible placement resources, the Department  
14 shall document the basis of its determination, ~~and~~ maintain  
15 the documentation in the child's case file, inform the  
16 identified relative of the relative's right to a  
17 reconsideration of the decision to deny visitation with the  
18 identified relative, provide the identified relative with a  
19 description of the reconsideration process established in  
20 accordance with subsection (o) of Section 5 of this Act, and  
21 report this information to the court in accordance with the  
22 requirements of Section 2-27.3 of the Juvenile Court Act of  
23 1987.

24 When the Department determines that an individual or a  
25 group of relatives are appropriate to serve as visitation  
26 resources or possible future placement resources, the

1 Department shall document the basis of its determination,  
2 maintain the documentation in the child's case file, create a  
3 visitation or transition plan, or both, and incorporate the  
4 visitation or transition plan, or both, into the child's case  
5 plan. The Department shall report this information to the  
6 court as part of the Department's family finding and relative  
7 engagement efforts required under Section 2-27.3 of the  
8 Juvenile Court Act of 1987. For the purpose of this  
9 subsection, any determination as to the child's best interests  
10 shall include consideration of the factors set out in  
11 subsection (4.05) of Section 1-3 of the Juvenile Court Act of  
12 1987.

13 (2) The Department may initially ~~not~~ place a child in a  
14 foster family home as defined under Section 2.17 of the Child  
15 Care Act of 1969 or a certified relative caregiver home as  
16 defined under Section 4d of this Act. Initial placement may  
17 also be made with a relative who is not yet a certified  
18 relative caregiver if all of the following conditions are met:

19 (A) The prospective relative caregiver and all other  
20 adults in the home must authorize and submit to a  
21 background screening that includes the components set  
22 forth in subsection (c) of Section 3.4 of the Child Care  
23 Act of 1969. If the results of a check of the Law  
24 Enforcement Agencies Data System (LEADS) identifies a  
25 prior criminal conviction of (i) the prospective relative  
26 caregiver for an offense not prohibited under subsection

1       (c) of Section 3.4 of the Child Care Act of 1969 or (ii)  
2       any other adult in the home for a felony offense, the  
3       Department shall thoroughly investigate and evaluate the  
4       criminal history, including an assessment of the person's  
5       character and the impact that the criminal history has on  
6       the prospective relative caregiver's ability to parent the  
7       child. The investigation must consider the type of crime,  
8       the number of crimes, the nature of the offense, the age of  
9       the person at the time of the crime, the length of time  
10       that has elapsed since the last conviction, the  
11       relationship of the crime to the ability to care for  
12       children, the role that the person will have with the  
13       child, and any evidence of rehabilitation. Initial  
14       placement may not be made if the results of a check of the  
15       Law Enforcement Agencies Data System (LEADS) identifies a  
16       prior criminal conviction of the prospective relative  
17       caregiver for an offense prohibited under subsection (c)  
18       of Section 3.4 of the Child Care Act of 1969; however, a  
19       waiver may be granted for placement of the child in  
20       accordance with subsection (v-4) of Section 5.

21       (B) The home safety and needs assessment requirements  
22       set forth in paragraph (1) of subsection (b) of the Child  
23       Care Act of 1969 are satisfied.

24       (C) The prospective relative caregiver is able to meet  
25       the physical, emotional, medical, and educational needs of  
26       the specific child or children being placed by the

1           Department.

2           No later than January 1, 2025, the Department shall adopt  
3 rules or amend existing rules to implement the provisions of  
4 this subsection (b-5).

5 ~~with a relative, with the exception of certain circumstances~~  
6 ~~which may be waived as defined by the Department in rules, if~~  
7 ~~the results of a check of the Law Enforcement Agencies Data~~  
8 ~~System (LEADS) identifies a prior criminal conviction of the~~  
9 ~~relative or any adult member of the relative's household for~~  
10 ~~any of the following offenses under the Criminal Code of 1961~~  
11 ~~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) aiding and abetting child abduction;~~
- 4           ~~(4) aggravated kidnapping;~~
- 5           ~~(5) child abduction;~~
- 6           ~~(6) aggravated battery of a child as described in~~
- 7           ~~Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;~~
- 8           ~~(7) criminal sexual assault;~~
- 9           ~~(8) aggravated criminal sexual assault;~~
- 10          ~~(8.1) predatory criminal sexual assault of a child;~~
- 11          ~~(9) criminal sexual abuse;~~
- 12          ~~(10) aggravated sexual abuse;~~
- 13          ~~(11) heinous battery as described in Section 12-4.1 or~~
- 14          ~~subdivision (a) (2) of Section 12-3.05;~~
- 15          ~~(12) aggravated battery with a firearm as described in~~
- 16          ~~Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or~~
- 17          ~~(e) (4) of Section 12-3.05;~~
- 18          ~~(13) tampering with food, drugs, or cosmetics;~~
- 19          ~~(14) drug induced infliction of great bodily harm as~~
- 20          ~~described in Section 12-4.7 or subdivision (g) (1) of~~
- 21          ~~Section 12-3.05;~~
- 22          ~~(15) aggravated stalking;~~
- 23          ~~(16) home invasion;~~
- 24          ~~(17) vehicular invasion;~~
- 25          ~~(18) criminal transmission of HIV;~~
- 26          ~~(19) criminal abuse or neglect of an elderly person or~~

1 ~~person with a disability as described in Section 12-21 or~~  
2 ~~subsection (b) of Section 12-4.4a;~~

3 ~~(20) child abandonment;~~

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

5 ~~(22) ritual mutilation;~~

6 ~~(23) ritualized abuse of a child;~~

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

10 No later than January 1, 2025, relative caregiver payments  
11 shall be made to relative caregiver homes as provided under  
12 Section 5 of this Act. ~~For the purpose of this subsection,~~  
13 ~~"relative" shall include any person, 21 years of age or over,~~  
14 ~~other than the parent, who (i) is currently related to the~~  
15 ~~child in any of the following ways by blood or adoption:~~  
16 ~~grandparent, sibling, great grandparent, parent's sibling,~~  
17 ~~sibling's child, first cousin, second cousin, godparent, or~~  
18 ~~grandparent's sibling; or (ii) is the spouse of such a~~  
19 ~~relative; or (iii) is the child's step parent, or adult~~  
20 ~~step sibling; or (iv) is a fictive kin; "relative" also~~  
21 ~~includes a person related in any of the foregoing ways to a~~  
22 ~~sibling of a child, even though the person is not related to~~  
23 ~~the child, when the child and the child's sibling are placed~~  
24 ~~together with that person. For children who have been in the~~  
25 ~~guardianship of the Department, have been adopted, and are~~  
26 ~~subsequently returned to the temporary custody or guardianship~~

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

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

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

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

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

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

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

18 (c) In placing a child under this Act, the Department  
19 shall ensure that the child's health, safety, and best  
20 interests are met. In rejecting placement of a child with an  
21 identified relative, the Department shall (i) ensure that the  
22 child's health, safety, and best interests are met, (ii)  
23 inform the identified relative of the relative's right to  
24 reconsideration of the decision and provide the identified  
25 relative with a description of the reconsideration process  
26 established in accordance with subsection (o) of Section 5 of

1 this Act, (iii) report that the Department rejected the  
2 relative placement to the court in accordance with the  
3 requirements of Section 2-27.3 of the Juvenile Court Act of  
4 1987, and (iv) report the reason for denial in accordance with  
5 Section 46 of this Act. In evaluating the best interests of the  
6 child, the Department shall take into consideration the  
7 factors set forth in subsection (4.05) of Section 1-3 of the  
8 Juvenile Court Act of 1987.

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

1 media and other local resources, and conducting outreach  
2 activities.

3 (c-1) At the time of placement, the Department shall  
4 consider concurrent planning, as described in subsection (1-1)  
5 of Section 5, so that permanency may occur at the earliest  
6 opportunity. Consideration should be given so that if  
7 reunification fails or is delayed, the placement made is the  
8 best available placement to provide permanency for the child.  
9 To the extent that doing so is in the child's best interests as  
10 set forth in subsection (4.05) of Section 1-3 of the Juvenile  
11 Court Act of 1987, the Department should consider placements  
12 that will permit the child to maintain a meaningful  
13 relationship with the child's parents.

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

17 (e) The Department in placing children in relative  
18 caregiver, certified relative caregiver, adoptive, or foster  
19 care homes may not, in any policy or practice relating to the  
20 placement of children for adoption or foster care,  
21 discriminate against any child or prospective caregiver or  
22 adoptive parent ~~adoptive or foster parent~~ on the basis of  
23 race.

24 (Source: P.A. 103-22, eff. 8-8-23.)

25 (20 ILCS 505/7.3)

1           Sec. 7.3. Placement plan. The Department shall develop and  
2 implement a written plan for placing children. The plan shall  
3 include at least the following features:

4           (1) A plan for recruiting minority adoptive and foster  
5 families. The plan shall include strategies for using  
6 existing resources in minority communities, use of  
7 minority outreach staff whenever possible, use of minority  
8 foster homes for placements after birth and before  
9 adoption, and other techniques as appropriate.

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

12          (3) A plan for employing social workers in adoption  
13 and foster care. The plan shall include staffing goals and  
14 objectives.

15          (4) A plan for ensuring that adoption and foster care  
16 workers attend training offered or approved by the  
17 Department regarding the State's goal of encouraging  
18 cultural diversity and the needs of special needs  
19 children.

20          (5) A plan that includes policies and procedures for  
21 determining for each child requiring placement outside of  
22 the child's home, and who cannot be immediately returned  
23 to the child's parents or guardian, the placement needs of  
24 that child. In the rare instance when an individualized  
25 assessment identifies, documents, and substantiates that  
26 race, color, or national origin is a factor that needs to

1 be considered in advancing a particular child's best  
2 interests, it shall be considered in making a placement.

3 (6) A plan for improving the certification of relative  
4 homes as certified relative caregiver homes, including  
5 establishing and expanding access to a kinship navigator  
6 program once established pursuant to paragraph (3) of  
7 subsection (u-6) of Section 5 of this Act, providing an  
8 effective process for ensuring relatives are informed of  
9 the benefits of relative caregiver home certification  
10 under Section 3.4 of the Child Care Act of 1969, and  
11 tailoring relative caregiver home certification standards  
12 that are appropriately distinct from foster home licensure  
13 standards.

14 Beginning July 1, 2026 and every 3 years thereafter, the  
15 plans required under this Section shall be evaluated by the  
16 Department and revised based on the findings of that  
17 evaluation.

18 (Source: P.A. 103-22, eff. 8-8-23.)

19 (20 ILCS 505/46 new)

20 Sec. 46. Annual reports regarding relative and certified  
21 relative caregiver placements. Beginning January 1, 2026, and  
22 annually thereafter, the Department shall post on its website  
23 data from the preceding State fiscal year regarding:

24 (1) the number of youth in care who were adopted  
25 specifying the length of stay in out-of-home care and the



1 number of youth in care who exited to permanency through  
2 guardianship specifying the length of stay in out-of-home  
3 care and whether the guardianship was subsidized or  
4 unsubsidized for each case;

5 (2) the number of youth with the permanency goal of  
6 guardianship and the number of youth with the permanency  
7 goal of adoption;

8 (3) the number of youth in care who moved from  
9 non-relative care to a relative placement;

10 (4) the number of homes that successfully became a  
11 certified relative caregiver home in accordance with  
12 Section 3.4 of the Child Care Act of 1969; and

13 (5) the number of reconsideration reviews of the  
14 Department's decisions not to place a child with a  
15 relative commenced in accordance with subsection (o) of  
16 Section 5 of this Act. For data related to each  
17 reconsideration review, the Department shall indicate  
18 whether the child resides in a licensed placement or in  
19 the home of a relative at the time of the reconsideration  
20 review, the reason for the Department's denial of the  
21 placement with the relative, and the outcome associated  
22 with each reconsideration review.

23 The Department shall include a description of the  
24 methodology the Department used to collect the information for  
25 paragraphs (1) through (5), indicate whether the Department  
26 had any difficulties collecting the information, and indicate

1 whether there are concerns about the validity of the  
2 information. If any of the data elements required to be  
3 disclosed under this Section could reveal a youth's identity  
4 if revealed in combination with all the identifying  
5 information due to small sample size, the Department shall  
6 exclude the data elements that could be used to identify the  
7 youth so that the data can be included as part of a larger  
8 sample and report that the data was excluded for this reason.

9 (20 ILCS 505/55 new)

10 Sec. 55. Performance audits. Three years after the  
11 effective date of this amendatory Act of the 103rd General  
12 Assembly, the Auditor General shall commence a performance  
13 audit of the Department to determine whether the Department is  
14 meeting the requirements established by this amendatory Act of  
15 the 103rd General Assembly under Sections 4d, 5, 6a, 7, 7.3,  
16 50, and 55 of this Act, Sections 2.17, 2.36, 2.37, 2.38, 3.4,  
17 4, 4.3, 7.3, and 7.4 of the Child Care Act of 1969, Sections  
18 1-3, 1-5, 2-9, 2-10, 2-13, 2-21, 2-22, 2-23, 2-27, and 2-28 of  
19 the Juvenile Court Act of 1987, and Section 15.1 of the  
20 Adoption Act. Within 2 years after the audit's release, the  
21 Auditor General shall commence a follow-up performance audit  
22 to determine whether the Department has implemented the  
23 recommendations contained in the initial performance audit.  
24 Upon completion of each audit, the Auditor General shall  
25 report its findings to the General Assembly. The Auditor

1 General's reports shall include any issues or deficiencies and  
2 recommendations. The audits required by this Section shall be  
3 in accordance with and subject to the Illinois State Auditing  
4 Act.

5 Section 10. The Child Care Act of 1969 is amended by  
6 changing Sections 2.05, 2.17, 4, 4.3, 5, 7.3, and 7.4 and by  
7 adding Sections 2.36, 2.37, 2.38, 2.39, 2.40, and 3.4 as  
8 follows:

9 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

10 Sec. 2.05. "Facility for child care" or "child care  
11 facility" means any person, group of persons, agency,  
12 association, organization, corporation, institution, center,  
13 or group, whether established for gain or otherwise, who or  
14 which receives or arranges for care or placement of one or more  
15 children, unrelated to the operator of the facility, apart  
16 from the parents, with or without the transfer of the right of  
17 custody in any facility as defined in this Act, established  
18 and maintained for the care of children. "Child care facility"  
19 includes a relative, as defined in Section 2.36 ~~2.17~~ of this  
20 Act, who is licensed as a foster family home under Section 4 of  
21 this Act or provides a certified relative caregiver home, as  
22 defined in Section 2.37 of this Act.

23 (Source: P.A. 98-804, eff. 1-1-15.)

1 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

2 Sec. 2.17. "Foster family home" means the home of an  
3 individual or family:

4 (1) that is licensed or approved by the state in which it  
5 is situated as a foster family home that meets the standards  
6 established for the licensing or approval; and

7 (2) in which a child in foster care has been placed in the  
8 care of an individual who resides with the child and who has  
9 been licensed or approved by the state to be a foster parent  
10 and:

11 (A) who the Department of Children and Family Services  
12 deems capable of adhering to the reasonable and prudent  
13 parent standard;

14 (B) who provides 24-hour substitute care for children  
15 placed away from their parents or other caretakers; and

16 (3) who provides the care for no more than 6 children,  
17 except the Director of Children and Family Services, pursuant  
18 to Department regulations, may waive the numerical limitation  
19 of foster children who may be cared for in a foster family home  
20 for any of the following reasons to allow: (i) a parenting  
21 youth in foster care to remain with the child of the parenting  
22 youth; (ii) siblings to remain together; (iii) a child with an  
23 established meaningful relationship with the family to remain  
24 with the family; or (iv) a family with special training or  
25 skills to provide care to a child who has a severe disability.  
26 The family's or relative's own children, under 18 years of

1 age, shall be included in determining the maximum number of  
2 children served.

3 ~~For purposes of this Section, a "relative" includes any~~  
4 ~~person, 21 years of age or over, other than the parent, who (i)~~  
5 ~~is currently related to the child in any of the following ways~~  
6 ~~by blood or adoption: grandparent, sibling, great grandparent,~~  
7 ~~uncle, aunt, nephew, niece, first cousin, great uncle, or~~  
8 ~~great aunt; or (ii) is the spouse of such a relative; or (iii)~~  
9 ~~is a child's step father, step mother, or adult step brother~~  
10 ~~or step sister; or (iv) is a fictive kin; "relative" also~~  
11 ~~includes a person related in any of the foregoing ways to a~~  
12 ~~sibling of a child, even though the person is not related to~~  
13 ~~the child, when the child and its sibling are placed together~~  
14 ~~with that person. For purposes of placement of children~~  
15 ~~pursuant to Section 7 of the Children and Family Services Act~~  
16 ~~and for purposes of licensing requirements set forth in~~  
17 ~~Section 4 of this Act, for children under the custody or~~  
18 ~~guardianship of the Department pursuant to the Juvenile Court~~  
19 ~~Act of 1987, after a parent signs a consent, surrender, or~~  
20 ~~waiver or after a parent's rights are otherwise terminated,~~  
21 ~~and while the child remains in the custody or guardianship of~~  
22 ~~the Department, the child is considered to be related to those~~  
23 ~~to whom the child was related under this Section prior to the~~  
24 ~~signing of the consent, surrender, or waiver or the order of~~  
25 ~~termination of parental rights.~~

26 The term "foster family home" includes homes receiving

1 children from any State-operated institution for child care;  
2 or from any agency established by a municipality or other  
3 political subdivision of the State of Illinois authorized to  
4 provide care for children outside their own homes. The term  
5 "foster family home" does not include an "adoption-only home"  
6 as defined in Section 2.23 or a "certified relative caregiver  
7 home" as defined in Section 2.37 of this Act. The types of  
8 foster family homes are defined as follows:

9 (a) "Boarding home" means a foster family home which  
10 receives payment for regular full-time care of a child or  
11 children.

12 (b) "Free home" means a foster family home other than  
13 an adoptive home which does not receive payments for the  
14 care of a child or children.

15 (c) "Adoptive home" means a foster family home which  
16 receives a child or children for the purpose of adopting  
17 the child or children, but does not include an  
18 adoption-only home.

19 (d) "Work-wage home" means a foster family home which  
20 receives a child or children who pay part or all of their  
21 board by rendering some services to the family not  
22 prohibited by the Child Labor Law or by standards or  
23 regulations of the Department prescribed under this Act.  
24 The child or children may receive a wage in connection  
25 with the services rendered the foster family.

26 (e) "Agency-supervised home" means a foster family

1 home under the direct and regular supervision of a  
2 licensed child welfare agency, of the Department of  
3 Children and Family Services, of a circuit court, or of  
4 any other State agency which has authority to place  
5 children in child care facilities, and which receives no  
6 more than 6 ~~8~~ children, unless of common parentage, who  
7 are placed and are regularly supervised by one of the  
8 specified agencies.

9 (f) "Independent home" means a foster family home,  
10 other than an adoptive home, which receives no more than 4  
11 children, unless of common parentage, directly from  
12 parents, or other legally responsible persons, by  
13 independent arrangement and which is not subject to direct  
14 and regular supervision of a specified agency except as  
15 such supervision pertains to licensing by the Department.

16 (g) "Host home" means an emergency foster family home  
17 under the direction and regular supervision of a licensed  
18 child welfare agency, contracted to provide short-term  
19 crisis intervention services to youth served under the  
20 Comprehensive Community-Based Youth Services program,  
21 under the direction of the Department of Human Services.  
22 The youth shall not be under the custody or guardianship  
23 of the Department pursuant to the Juvenile Court Act of  
24 1987.

25 (Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

1 (225 ILCS 10/2.36 new)

2 Sec. 2.36. Certified relative caregiver. "Certified  
3 relative caregiver" means a person responsible for the care  
4 and supervision of a child placed in a certified relative  
5 caregiver home by the Department, other than the parent, who  
6 is a relative. As used in this definition, "relative" means a  
7 person who is: (i) related to a child by blood, marriage,  
8 tribal custom, adoption, or to a child's sibling in any of the  
9 foregoing ways, even though the person is not related to the  
10 child, when the child and the child's sibling are placed  
11 together with that person or (ii) fictive kin. For children  
12 who have been in the guardianship of the Department following  
13 the termination of their parents' parental rights, been  
14 adopted or placed in subsidized or unsubsidized guardianship,  
15 and are subsequently returned to the temporary custody or  
16 guardianship of the Department, a "relative" shall include any  
17 person who would have qualified as a relative under this  
18 Section prior to the termination of the parents' parental  
19 rights if the Department determines, and documents, or the  
20 court finds that it would be in the child's best interests to  
21 consider this person a relative, based upon the factors for  
22 determining best interests set forth in subsection (4.05) of  
23 Section 1-3 of the Juvenile Court Act of 1987.

24 (225 ILCS 10/2.37 new)

25 Sec. 2.37. Certified relative caregiver home. "Certified



1 relative caregiver home" means a placement resource meeting  
2 the standards for a certified relative caregiver home under  
3 Section 3.4 of this Act, which is eligible to receive payments  
4 from the Department under State or federal law for room and  
5 board for a child placed with a certified relative caregiver.  
6 A certified relative caregiver home is sufficient to comply  
7 with 45 CFR 1355.20.

8 (225 ILCS 10/2.38 new)

9 Sec. 2.38. Fictive kin. "Fictive kin" has the meaning  
10 ascribed to the term in Section 4d of the Children and Family  
11 Services Act.

12 (225 ILCS 10/2.39 new)

13 Sec. 2.39. Caregiver. "Caregiver" means a certified  
14 relative caregiver, relative caregiver, or foster parent with  
15 whom a youth in care is placed.

16 (225 ILCS 10/2.40 new)

17 Sec. 2.40. National consortium recommendations. "National  
18 consortium recommendations" means the preferred standards of  
19 national organizations with expertise in relative home care  
20 developed to establish requirements or criteria for relative  
21 homes that are no more or only minimally more restrictive than  
22 necessary to comply with the requirements under Sections 471  
23 and 474 of the Social Security Act, Public Law 115-123.

1 Consortium recommendations include criteria for assessing  
2 relative homes for safety, sanitation, protection of civil  
3 rights, use of the reasonable and prudent parenting standard,  
4 and background screening for caregivers and other residents in  
5 the caregiver home.

6 (225 ILCS 10/3.4 new)

7 Sec. 3.4. Standards for certified relative caregiver  
8 homes.

9 (a) No later than January 1, 2025, the Department shall  
10 adopt rules outlining the standards for certified relative  
11 caregiver homes, which are reasonably in accordance with the  
12 national consortium recommendations and federal law and rules,  
13 and consistent with the requirements of this Act. The  
14 standards for certified relative caregiver homes shall: (i) be  
15 different from licensing standards used for non-relative  
16 foster family homes under Section 4; (ii) align with the  
17 recommendation of the U.S. Department of Health and Human  
18 Services' Administration for Children and Families for  
19 implementation of Section 471(a)(10), (11), and (20) and  
20 Section 474 of Title IV-E of the Social Security Act; (iii) be  
21 no more restrictive than, and reasonably in accordance with,  
22 national consortium recommendations; and (iv) address  
23 background screening for caregivers and other household  
24 residents and assessing home safety and caregiver capacity to  
25 meet the identified child's needs.

1       A guiding premise for certified relative caregiver home  
2 standards is that foster care maintenance payments for every  
3 relative, starting upon placement, regardless of federal  
4 reimbursement, are critical to ensure that the basic needs and  
5 well-being of all children in relative care are being met. If  
6 an agency places a child in the care of a relative, the  
7 relative must immediately be provided with adequate support to  
8 care for that child. The Department shall review foster care  
9 maintenance payments to ensure that children receive the same  
10 amount of foster care maintenance payments whether placed in a  
11 certified relative caregiver home or a licensed foster family  
12 home.

13       In developing rules, the Department shall solicit and  
14 incorporate feedback from relative caregivers. No later than  
15 60 days after the effective date of this amendatory Act of the  
16 103rd General Assembly, the Department shall begin soliciting  
17 input from relatives who are currently or have recently been  
18 caregivers to youth in care to develop the rules and  
19 procedures to implement the requirements of this Section. The  
20 Department shall solicit this input in a manner convenient for  
21 caregivers to participate, including without limitation,  
22 in-person convenings at after hours and weekend venues,  
23 locations that provide child care, and modalities that are  
24 accessible and welcoming to new and experienced relative  
25 caregivers from all regions of the State.

26       (b) In order to assess whether standards are met for a

1 certified relative caregiver home under this Section, a  
2 licensed child welfare agency shall:

3 (1) complete the home safety and needs assessment and  
4 identify and provide any necessary concrete goods or  
5 safety modifications to assist the prospective certified  
6 relative caregiver in meeting the needs of the specific  
7 child or children being placed by the Department, in a  
8 manner consistent with Department rule;

9 (2) assess the ability of the prospective certified  
10 relative caregiver to care for the physical, emotional,  
11 medical, and educational needs of the specific child or  
12 children being placed by the Department using the protocol  
13 and form provided through national consortium  
14 recommendations; and

15 (3) using the standard background check form  
16 established by rule, complete a background check for each  
17 person seeking certified relative caregiver approval and  
18 any other adults living in the home as required under this  
19 Section.

20 (c) A licensed child welfare agency shall conduct the  
21 following background screening investigation for every  
22 prospective certified relative caregiver and adult resident  
23 living in the home:

24 (1) a name-based State, local, or tribal criminal  
25 background check, and as soon as reasonably possible,  
26 initiate a fingerprint-based background check;

1           (2) a review of this State's Central Registry and  
2           registries of any state in which an adult household member  
3           has resided in the last 5 years, if applicable to  
4           determine if the person has been determined to be a  
5           perpetrator in an indicated report of child abuse or  
6           neglect; and

7           (3) a review of the sex offender registry.

8           No home may be a certified relative caregiver home if any  
9           prospective caregivers or adult residents in the home refuse  
10           to authorize a background screening investigation as required  
11           by this Section. Only information and standards that bear a  
12           reasonable and rational relation to the caregiving capacity of  
13           the certified relative caregiver and adult member of the  
14           household and overall safety provided by residents of that  
15           home shall be used by the Department or licensed child welfare  
16           agency.

17           In approving a certified relative caregiver home in  
18           accordance with this Section, if an adult has a criminal  
19           record, the child welfare agency shall thoroughly investigate  
20           and evaluate the criminal history of the adult and, in so  
21           doing, include an assessment of the adult's character and, in  
22           the case of the prospective certified relative caregiver, the  
23           impact that the criminal history has on the prospective  
24           certified relative caregiver's ability to parent the child;  
25           the investigation should consider the type of crime, the  
26           number of crimes, the nature of the offense, the age of the

1 person at the time of the crime, the length of time that has  
2 elapsed since the last conviction, the relationship of the  
3 crime to the ability to care for children, the role that adult  
4 will have with the child, and any evidence of rehabilitation.

5 In accordance with federal law, a home shall not be approved if  
6 the record of the prospective certified relative caregiver's  
7 background screening reveals: (i) a felony conviction for  
8 child abuse or neglect, spousal abuse, crimes against a child,  
9 including child pornography, or a crime of rape, sexual  
10 assault, or homicide; or (ii) a felony conviction in the last 5  
11 years for physical assault, battery, or a drug-related  
12 offense.

13 If the Department is contemplating denying approval of a  
14 certified relative caregiver home, the Department shall  
15 provide a written notice in the prospective certified relative  
16 caregiver's primary language to each prospective certified  
17 relative caregiver before the Department takes final action to  
18 deny approval of the home. This written notice shall include  
19 the specific reason or reasons the Department is considering  
20 denial, list actions prospective certified relative caregivers  
21 can take, if any, to remedy such conditions and the timeframes  
22 in which such actions would need to be completed, explain  
23 reasonable supports that the Department can provide to assist  
24 the prospective certified relative caregivers in taking  
25 remedial actions and how the prospective certified relative  
26 caregivers can request such assistance, and provide the

1 recourse prospective certified relative caregivers can seek to  
2 resolve disputes about the Department's findings. The  
3 Department shall provide prospective certified relative  
4 caregivers reasonable opportunity pursuant to rulemaking to  
5 cure any remediable deficiencies that the Department  
6 identified before taking final action to deny approval of a  
7 certified relative caregiver home.

8 If conditions have not been remedied after a reasonable  
9 opportunity and assistance to cure identified deficiencies has  
10 been provided, the Department shall provide a final written  
11 notice explaining the reasons for denying the certified  
12 relative caregiver home approval and the reconsideration  
13 process to review the decision to deny certification. The  
14 Department shall not prohibit a prospective certified relative  
15 caregiver from being reconsidered for approval if the  
16 prospective certified relative caregivers are able to  
17 demonstrate a change in circumstances that improves deficient  
18 conditions.

19 Documentation that a certified relative caregiver home  
20 meets the required standards may be filed on behalf of such  
21 homes by a licensed child welfare agency, by a State agency  
22 authorized to place children in foster care, or by  
23 out-of-state agencies approved by the Department to place  
24 children in this State. For documentation on behalf of a home  
25 in which specific children are placed by and remain under  
26 supervision of the applicant agency, such agency shall

1 document that the certified relative caregiver home,  
2 responsible for the care of related specific children therein,  
3 was found to be in reasonable compliance with standards  
4 prescribed by the Department for certified relative caregiver  
5 homes under this Section. Certification is applicable to one  
6 or more related children and documentation for certification  
7 shall indicate the specific child or children who would be  
8 eligible for placement in this certified relative caregiver  
9 home.

10 Information concerning criminal convictions of adult  
11 residents of a prospective certified relative caregiver home  
12 investigated under this Section, including the source of the  
13 information, State conviction information provided by the  
14 Illinois State Police, and any conclusions or recommendations  
15 derived from the information, shall be offered to the adult  
16 residents of a prospective certified relative caregiver home,  
17 and provided, upon request, to such adult residents of a  
18 prospective certified relative caregiver home prior to final  
19 action by the Department in the certified relative caregiver  
20 home approval process.

21 Any information concerning criminal charges or the  
22 disposition of such criminal charges obtained by the  
23 Department shall be confidential and may not be transmitted  
24 outside the Department, except as required or permitted by  
25 State or federal law, and may not be transmitted to anyone  
26 within the Department except as needed for the purpose of



1 evaluating standards for a certified relative caregiver home  
2 or for evaluating the placement of a specific child in the  
3 home. Information concerning an adult resident of a  
4 prospective certified relative caregiver home obtained by the  
5 Department for the purposes of paragraph (2) of this  
6 subsection shall be confidential and exempt from public  
7 inspection and copying as provided under Section 7 of the  
8 Freedom of Information Act, and such information shall not be  
9 transmitted outside the Department, except as required or  
10 authorized by State or federal law, including applicable  
11 provisions in the Abused and Neglected Child Reporting Act,  
12 and shall not be transmitted to anyone within the Department  
13 except as provided in the Abused and Neglected Child Reporting  
14 Act, and shall not be transmitted to anyone within the  
15 Department except as needed for the purposes of evaluating  
16 homes. Any employee of the Department, the Illinois State  
17 Police, or a licensed child welfare agency receiving  
18 confidential information under this Section who gives or  
19 causes to be given any confidential information concerning any  
20 criminal convictions or child abuse or neglect reports  
21 involving an adult resident of a prospective certified  
22 relative caregiver home shall be guilty of a Class A  
23 misdemeanor unless release of such information is authorized  
24 by this Section or Section 11.1 of the Abused and Neglected  
25 Child Reporting Act.

26 The Department shall permit, but shall not require, a

1 prospective certified relative caregiver who does not yet have  
2 eligible children placed by the Department in the relative's  
3 home to commence the process to become a certified relative  
4 caregiver home for a particular identified child under this  
5 Section before a child is placed by the Department if the  
6 prospective certified relative caregiver prefers to begin this  
7 process in advance of the identified child being placed. No  
8 later than January 1, 2025, the Department shall adopt rules  
9 delineating the process for re-assessing a certified relative  
10 caregiver home if the identified child is not placed in that  
11 home within 6 months of the home becoming certified.

12 (d) The Department shall ensure that prospective certified  
13 relative caregivers are provided with assistance in completing  
14 the steps required for approval as a certified relative  
15 caregiver home, including, but not limited to, the following  
16 types of assistance:

17 (1) completing forms together with the relative or for  
18 the relative, if possible;

19 (2) obtaining court records or dispositions related to  
20 background checks;

21 (3) accessing translation services;

22 (4) using mobile fingerprinting devices in the home,  
23 and if mobile devices are unavailable, providing  
24 assistance scheduling appointments that are accessible and  
25 available at times that fit the household members'  
26 schedules, providing transportation and childcare to allow

1 the household members to complete fingerprinting  
2 appointments, and contracting with community-based  
3 fingerprinting locations that offer evening and weekend  
4 appointments;

5 (5) reimbursement or advance payment for the  
6 prospective certified relative caregiver to help with  
7 reasonable home maintenance to resolve critical safety  
8 issues in accordance with Department rulemaking; and

9 (6) purchasing required safety or comfort items such  
10 as a car seat or mattress.

11 (e) Orientation provided to certified relative caregivers  
12 shall include information regarding:

13 (1) caregivers' right to be heard in juvenile court  
14 proceedings;

15 (2) the availability of the advocacy hotline and  
16 Office of the Inspector General that caregivers may use to  
17 report incidents of misconduct or violation of rules by  
18 Department employees, service providers, or contractors;

19 (3) the Department's expectations for caretaking  
20 obligations including, but not limited to, specific  
21 requirements of court orders, critical incident  
22 notifications and timeframes, supervision for the child's  
23 age and needs, out-of-state travel, and consent  
24 procedures;

25 (4) assistance available to the certified relative  
26 caregivers, including child care, respite care,

1 transportation assistance, case management, training and  
2 support groups, kinship navigator services, financial  
3 assistance, and after hours and weekend 24 hours, 7 days a  
4 week emergency supports, and how to access such  
5 assistance;

6 (5) reasonable and prudent parenting standards; and

7 (6) permanency options.

8 Orientation shall be provided in a setting and modality  
9 convenient for the residents of the certified relative  
10 caregiver home, which shall include the option for one-on-one  
11 sessions at the residence, after business hours, and in the  
12 primary language of the caregivers. Training opportunities  
13 shall be offered to the residents of the certified relative  
14 caregiver home, but shall not be a requirement that delays the  
15 certified relative caregiver home approval process from being  
16 completed.

17 The Department or licensed child welfare agency may  
18 provide support groups and development opportunities for  
19 certified relative caregivers, and take other steps to support  
20 permanency, such as offering voluntary training, or concurrent  
21 assessments of multiple prospective certified relative  
22 caregivers to determine which may be best suited to provide  
23 long-term permanency for a particular child. However, these  
24 support groups and development opportunities shall not be  
25 requirements for prospective certified relative caregiver  
26 homes or delay immediate placement and support to a relative

1 who satisfies the standards set forth in this Section.

2 (f) All child welfare agencies serving relative and  
3 certified relative caregiver homes shall be required by the  
4 Department to have complaint policies and procedures that  
5 shall be provided in writing to prospective and current  
6 certified relative caregivers and residents of prospective and  
7 current certified relative caregiver homes, at the earliest  
8 time possible. These complaint procedures must be filed with  
9 the Department within 6 months after the effective date of  
10 this amendatory of the 103rd General Assembly.

11 No later than January 1, 2025, the Department shall revise  
12 any rules and procedures pertaining to eligibility of  
13 certified relative caregivers to qualify for State and federal  
14 subsidies and services under the guardianship and adoption  
15 assistance program and remove any requirements that exceed the  
16 federal requirements for participation in these programs or  
17 supports to ensure that certified relative caregiver homes are  
18 deemed eligible for permanency options, such as adoption or  
19 subsidized guardianship, if the child is unable to safely  
20 return to the child's parents.

21 The Department shall submit any necessary State plan  
22 amendments necessary to comply with this Section and to ensure  
23 Title IV-E reimbursement eligibility under Section  
24 671(a)(20)(A-B) of the Social Security Act can be achieved  
25 expediently. The Department shall differentiate expenditures  
26 related to certified relative caregivers from licensed care

1 placements to provide clarity in expenditures of State and  
2 federal monies for certified relative caregiver supports.

3 (225 ILCS 10/4) (from Ch. 23, par. 2214)

4 Sec. 4. License requirement; application; notice.

5 (a) Any person, group of persons or corporation who or  
6 which receives children or arranges for care or placement of  
7 one or more children unrelated to the operator must apply for a  
8 license to operate one of the types of facilities defined in  
9 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any  
10 relative, as defined in Section 2.38 ~~2.17~~ of this Act, who  
11 receives a child or children for placement by the Department  
12 on a full-time basis may apply for a license to operate a  
13 foster family home as defined in Section 2.17 of this Act or  
14 may apply to be a certified relative caregiver home as defined  
15 in Section 2.37 of this Act.

16 (a-5) Any agency, person, group of persons, association,  
17 organization, corporation, institution, center, or group  
18 providing adoption services must be licensed by the Department  
19 as a child welfare agency as defined in Section 2.08 of this  
20 Act. "Providing adoption services" as used in this Act,  
21 includes facilitating or engaging in adoption services.

22 (b) Application for a license to operate a child care  
23 facility must be made to the Department in the manner and on  
24 forms prescribed by it. An application to operate a foster  
25 family home shall include, at a minimum: a completed written

1 form; written authorization by the applicant and all adult  
2 members of the applicant's household to conduct a criminal  
3 background investigation; medical evidence in the form of a  
4 medical report, on forms prescribed by the Department, that  
5 the applicant and all members of the household are free from  
6 communicable diseases or physical and mental conditions that  
7 affect their ability to provide care for the child or  
8 children; the names and addresses of at least 3 persons not  
9 related to the applicant who can attest to the applicant's  
10 moral character; the name and address of at least one relative  
11 who can attest to the applicant's capability to care for the  
12 child or children; and fingerprints submitted by the applicant  
13 and all adult members of the applicant's household.

14 (b-5) Prior to submitting an application for a foster  
15 family home license, a quality of care concerns applicant as  
16 defined in Section 2.22a of this Act must submit a preliminary  
17 application to the Department in the manner and on forms  
18 prescribed by it. The Department shall explain to the quality  
19 of care concerns applicant the grounds for requiring a  
20 preliminary application. The preliminary application shall  
21 include a list of (i) all children placed in the home by the  
22 Department who were removed by the Department for reasons  
23 other than returning to a parent and the circumstances under  
24 which they were removed and (ii) all children placed by the  
25 Department who were subsequently adopted by or placed in the  
26 private guardianship of the quality of care concerns applicant

1 who are currently under 18 and who no longer reside in the home  
2 and the reasons why they no longer reside in the home. The  
3 preliminary application shall also include, if the quality of  
4 care concerns applicant chooses to submit, (1) a response to  
5 the quality of care concerns, including any reason the  
6 concerns are invalid, have been addressed or ameliorated, or  
7 no longer apply and (2) affirmative documentation  
8 demonstrating that the quality of care concerns applicant's  
9 home does not pose a risk to children and that the family will  
10 be able to meet the physical and emotional needs of children.  
11 The Department shall verify the information in the preliminary  
12 application and review (i) information regarding any prior  
13 licensing complaints, (ii) information regarding any prior  
14 child abuse or neglect investigations, (iii) information  
15 regarding any involuntary foster home holds placed on the home  
16 by the Department, and (iv) information regarding all child  
17 exit interviews, as provided in Section 5.26 of the Children  
18 and Family Services Act, regarding the home. Foster home  
19 applicants with quality of care concerns are presumed  
20 unsuitable for future licensure.

21 Notwithstanding the provisions of this subsection (b-5),  
22 the Department may make an exception and issue a foster family  
23 license to a quality of care concerns applicant if the  
24 Department is satisfied that the foster family home does not  
25 pose a risk to children and that the foster family will be able  
26 to meet the physical and emotional needs of children. In



1 making this determination, the Department must obtain and  
2 carefully review all relevant documents and shall obtain  
3 consultation from its Clinical Division as appropriate and as  
4 prescribed by Department rule and procedure. The Department  
5 has the authority to deny a preliminary application based on  
6 the record of quality of care concerns of the foster family  
7 home. In the alternative, the Department may (i) approve the  
8 preliminary application, (ii) approve the preliminary  
9 application subject to obtaining additional information or  
10 assessments, or (iii) approve the preliminary application for  
11 purposes of placing a particular child or children only in the  
12 foster family home. If the Department approves a preliminary  
13 application, the foster family shall submit an application for  
14 licensure as described in subsection (b) of this Section. The  
15 Department shall notify the quality of care concerns applicant  
16 of its decision and the basis for its decision in writing.

17 (c) The Department shall notify the public when a child  
18 care institution, maternity center, or group home licensed by  
19 the Department undergoes a change in (i) the range of care or  
20 services offered at the facility, (ii) the age or type of  
21 children served, or (iii) the area within the facility used by  
22 children. The Department shall notify the public of the change  
23 in a newspaper of general circulation in the county or  
24 municipality in which the applicant's facility is or is  
25 proposed to be located.

26 (d) If, upon examination of the facility and investigation

1 of persons responsible for care of children and, in the case of  
2 a foster home, taking into account information obtained for  
3 purposes of evaluating a preliminary application, if  
4 applicable, the Department is satisfied that the facility and  
5 responsible persons reasonably meet standards prescribed for  
6 the type of facility for which application is made, it shall  
7 issue a license in proper form, designating on that license  
8 the type of child care facility and, except for a child welfare  
9 agency, the number of children to be served at any one time.

10 (e) The Department shall not issue or renew the license of  
11 any child welfare agency providing adoption services, unless  
12 the agency (i) is officially recognized by the United States  
13 Internal Revenue Service as a tax-exempt organization  
14 described in Section 501(c)(3) of the Internal Revenue Code of  
15 1986 (or any successor provision of federal tax law) and (ii)  
16 is in compliance with all of the standards necessary to  
17 maintain its status as an organization described in Section  
18 501(c)(3) of the Internal Revenue Code of 1986 (or any  
19 successor provision of federal tax law). The Department shall  
20 grant a grace period of 24 months from the effective date of  
21 this amendatory Act of the 94th General Assembly for existing  
22 child welfare agencies providing adoption services to obtain  
23 501(c)(3) status. The Department shall permit an existing  
24 child welfare agency that converts from its current structure  
25 in order to be recognized as a 501(c)(3) organization as  
26 required by this Section to either retain its current license

1 or transfer its current license to a newly formed entity, if  
2 the creation of a new entity is required in order to comply  
3 with this Section, provided that the child welfare agency  
4 demonstrates that it continues to meet all other licensing  
5 requirements and that the principal officers and directors and  
6 programs of the converted child welfare agency or newly  
7 organized child welfare agency are substantially the same as  
8 the original. The Department shall have the sole discretion to  
9 grant a one year extension to any agency unable to obtain  
10 501(c)(3) status within the timeframe specified in this  
11 subsection (e), provided that such agency has filed an  
12 application for 501(c)(3) status with the Internal Revenue  
13 Service within the 2-year timeframe specified in this  
14 subsection (e).

15 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

16 (225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

17 Sec. 4.3. Child Abuse and Neglect Reports. All child care  
18 facility license applicants and all current and prospective  
19 employees of a child care facility who have any possible  
20 contact with children in the course of their duties, as a  
21 condition of such licensure or employment, shall authorize in  
22 writing on a form prescribed by the Department an  
23 investigation of the Central Register, as defined in the  
24 Abused and Neglected Child Reporting Act, to ascertain if such  
25 applicant or employee has been determined to be a perpetrator

1 in an indicated report of child abuse or neglect.

2 All child care facilities as a condition of licensure  
3 pursuant to this Act shall maintain such information which  
4 demonstrates that all current employees and other applicants  
5 for employment who have any possible contact with children in  
6 the course of their duties have authorized an investigation of  
7 the Central Register as hereinabove required. Only those  
8 current or prospective employees who will have no possible  
9 contact with children as part of their present or prospective  
10 employment may be excluded from provisions requiring  
11 authorization of an investigation.

12 Such information concerning a license applicant, employee  
13 or prospective employee obtained by the Department shall be  
14 confidential and exempt from public inspection and copying as  
15 provided under Section 7 of The Freedom of Information Act,  
16 and such information shall not be transmitted outside the  
17 Department, except as provided in the Abused and Neglected  
18 Child Reporting Act, and shall not be transmitted to anyone  
19 within the Department except as provided in the Abused and  
20 Neglected Child Reporting Act, and shall not be transmitted to  
21 anyone within the Department except as needed for the purposes  
22 of evaluation of an application for licensure or for  
23 consideration by a child care facility of an employee. Any  
24 employee of the Department of Children and Family Services  
25 under this Section who gives or causes to be given any  
26 confidential information concerning any child abuse or neglect

1 reports about a child care facility applicant, child care  
2 facility employee, shall be guilty of a Class A misdemeanor,  
3 unless release of such information is authorized by Section  
4 11.1 of the Abused and Neglected Child Reporting Act.

5 Additionally, any licensee who is informed by the  
6 Department of Children and Family Services, pursuant to  
7 Section 7.4 of the Abused and Neglected Child Reporting Act,  
8 approved June 26, 1975, as amended, that a formal  
9 investigation has commenced relating to an employee of the  
10 child care facility or any other person in frequent contact  
11 with children at the facility, shall take reasonable action  
12 necessary to insure that the employee or other person is  
13 restricted during the pendency of the investigation from  
14 contact with children whose care has been entrusted to the  
15 facility.

16 When a foster family home is the subject of an indicated  
17 report under the Abused and Neglected Child Reporting Act, the  
18 Department of Children and Family Services must immediately  
19 conduct a re-examination of the foster family home to evaluate  
20 whether it continues to meet the minimum standards for  
21 licensure. The re-examination is separate and apart from the  
22 formal investigation of the report. The Department must  
23 establish a schedule for re-examination of the foster family  
24 home mentioned in the report at least once a year.

25 When a certified relative caregiver home is the subject of  
26 an indicated report under the Abused and Neglected Child

1 Reporting Act, the Department shall immediately conduct a  
2 re-examination of the certified relative caregiver home to  
3 evaluate whether the home remains an appropriate placement or  
4 the certified relative caregiver home continues to meet the  
5 minimum standards for certification required under Section 3.4  
6 of this Act. The re-examination is separate and apart from the  
7 formal investigation of the report and shall be completed in  
8 the timeframes established by rule.

9 (Source: P.A. 91-557, eff. 1-1-00.)

10 (225 ILCS 10/5) (from Ch. 23, par. 2215)

11 Sec. 5. (a) In respect to child care institutions,  
12 maternity centers, child welfare agencies, day care centers,  
13 day care agencies and group homes, the Department, upon  
14 receiving application filed in proper order, shall examine the  
15 facilities and persons responsible for care of children  
16 therein.

17 (b) In respect to foster family and day care homes,  
18 applications may be filed on behalf of such homes by a licensed  
19 child welfare agency, by a State agency authorized to place  
20 children in foster care or by out-of-State agencies approved  
21 by the Department to place children in this State. In respect  
22 to day care homes, applications may be filed on behalf of such  
23 homes by a licensed day care agency or licensed child welfare  
24 agency. In applying for license in behalf of a home in which  
25 children are placed by and remain under supervision of the

1 applicant agency, such agency shall certify that the home and  
2 persons responsible for care of unrelated children therein, or  
3 the home and relatives, as defined in Section 2.36 ~~2.17~~ of this  
4 Act, responsible for the care of related children therein,  
5 were found to be in reasonable compliance with standards  
6 prescribed by the Department for the type of care indicated.

7 (c) The Department shall not allow any person to examine  
8 facilities under a provision of this Act who has not passed an  
9 examination demonstrating that such person is familiar with  
10 this Act and with the appropriate standards and regulations of  
11 the Department.

12 (d) With the exception of day care centers, day care  
13 homes, and group day care homes, licenses shall be issued in  
14 such form and manner as prescribed by the Department and are  
15 valid for 4 years from the date issued, unless revoked by the  
16 Department or voluntarily surrendered by the licensee.  
17 Licenses issued for day care centers, day care homes, and  
18 group day care homes shall be valid for 3 years from the date  
19 issued, unless revoked by the Department or voluntarily  
20 surrendered by the licensee. When a licensee has made timely  
21 and sufficient application for the renewal of a license or a  
22 new license with reference to any activity of a continuing  
23 nature, the existing license shall continue in full force and  
24 effect for up to 30 days until the final agency decision on the  
25 application has been made. The Department may further extend  
26 the period in which such decision must be made in individual

1 cases for up to 30 days, but such extensions shall be only upon  
2 good cause shown.

3 (e) The Department may issue one 6-month permit to a newly  
4 established facility for child care to allow that facility  
5 reasonable time to become eligible for a full license. If the  
6 facility for child care is a foster family home, or day care  
7 home the Department may issue one 2-month permit only.

8 (f) The Department may issue an emergency permit to a  
9 child care facility taking in children as a result of the  
10 temporary closure for more than 2 weeks of a licensed child  
11 care facility due to a natural disaster. An emergency permit  
12 under this subsection shall be issued to a facility only if the  
13 persons providing child care services at the facility were  
14 employees of the temporarily closed day care center at the  
15 time it was closed. No investigation of an employee of a child  
16 care facility receiving an emergency permit under this  
17 subsection shall be required if that employee has previously  
18 been investigated at another child care facility. No emergency  
19 permit issued under this subsection shall be valid for more  
20 than 90 days after the date of issuance.

21 (g) During the hours of operation of any licensed child  
22 care facility, authorized representatives of the Department  
23 may without notice visit the facility for the purpose of  
24 determining its continuing compliance with this Act or  
25 regulations adopted pursuant thereto.

26 (h) Day care centers, day care homes, and group day care



1 homes shall be monitored at least annually by a licensing  
2 representative from the Department or the agency that  
3 recommended licensure.

4 (Source: P.A. 98-804, eff. 1-1-15.)

5 (225 ILCS 10/7.3)

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

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

18 (b) At least once every 30 days, a private child welfare  
19 agency that places youth in care in certified relative  
20 caregiver or foster family homes must make a site visit to  
21 every such home where it has placed a youth in care. The  
22 purpose of the site visit is to verify that the child continues  
23 to reside in that home and to verify the child's safety and  
24 well-being. The agency must document the verification in its  
25 records. If a private child welfare agency fails to comply

1 with the requirements of this subsection, the Department must  
2 suspend all payments to the agency until the agency complies.

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

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

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

25 (f) When a child is missing from a certified relative  
26 caregiver or foster home, the Department or private agency in

1 charge of case management shall report regularly to the  
2 certified relative caregiver or foster parent concerning  
3 efforts to locate the missing child.

4 (g) The Department must strive to account for the status  
5 and whereabouts of every one of its youth in care who it  
6 determines is not residing in the authorized placement in  
7 which the youth was placed.

8 (Source: P.A. 103-22, eff. 8-8-23.)

9 (225 ILCS 10/7.4)

10 Sec. 7.4. Disclosures.

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

22 (b) Every licensed child welfare agency providing adoption  
23 services shall provide to all applicants, prior to  
24 application, a written schedule of estimated fees, expenses,  
25 and refund policies. Every child welfare agency providing

1 adoption services shall have a written policy that shall be  
2 part of its standard adoption contract and state that it will  
3 not charge additional fees and expenses beyond those disclosed  
4 in the adoption contract unless additional fees are reasonably  
5 required by the circumstances and are disclosed to the  
6 adoptive parents or parent before they are incurred. The  
7 Department shall adopt rules relating to the contents of the  
8 written schedule and policy. Eligible agencies may be deemed  
9 compliant with this subsection (b).

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

17 (c-5) Whenever a licensed child welfare agency places a  
18 child in a certified relative caregiver or licensed foster  
19 family home or an adoption-only home, the agency shall provide  
20 the following to the caregiver ~~caretaker~~ or prospective  
21 adoptive parent:

22 (1) Available detailed information concerning the  
23 child's educational and health history, copies of  
24 immunization records (including insurance and medical card  
25 information), a history of the child's previous  
26 placements, if any, and reasons for placement changes,

1 excluding any information that identifies or reveals the  
2 location of any previous caretaker.

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

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

9 (4) Any known social or behavioral information  
10 (including, but not limited to, criminal background, fire  
11 setting, perpetration of sexual abuse, destructive  
12 behavior, and substance abuse) necessary to care for and  
13 safeguard the child.

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

1 available.

2 The Department shall adopt rules necessary for the  
3 implementation and regulation of the requirements of this  
4 subsection (c-5).

5 (d) Every licensed child welfare agency providing adoption  
6 services shall meet minimum standards set forth by the  
7 Department concerning the taking or acknowledging of a consent  
8 prior to taking or acknowledging a consent from a prospective  
9 birth parent. The Department shall adopt rules concerning the  
10 minimum standards required by agencies under this Section.

11 (Source: P.A. 103-22, eff. 8-8-23.)

12 Section 15. The Juvenile Court Act of 1987 is amended by  
13 changing Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23,  
14 2-27, 2-28, 2-28.1, and 5-745 and by adding Section 2-27.3 as  
15 follows:

16 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

17 Sec. 1-3. Definitions. Terms used in this Act, unless the  
18 context otherwise requires, have the following meanings  
19 ascribed to them:

20 (1) "Adjudicatory hearing" means a hearing to determine  
21 whether the allegations of a petition under Section 2-13,  
22 3-15, or 4-12 that a minor under 18 years of age is abused,  
23 neglected, or dependent, or requires authoritative  
24 intervention, or addicted, respectively, are supported by a

1 preponderance of the evidence or whether the allegations of a  
2 petition under Section 5-520 that a minor is delinquent are  
3 proved beyond a reasonable doubt.

4 (2) "Adult" means a person 21 years of age or older.

5 (3) "Agency" means a public or private child care facility  
6 legally authorized or licensed by this State for placement or  
7 institutional care or for both placement and institutional  
8 care.

9 (4) "Association" means any organization, public or  
10 private, engaged in welfare functions which include services  
11 to or on behalf of children but does not include "agency" as  
12 herein defined.

13 (4.05) Whenever a "best interest" determination is  
14 required, the following factors shall be considered in the  
15 context of the child's age and developmental needs:

16 (a) the physical safety and welfare of the child,  
17 including food, shelter, health, and clothing;

18 (b) the development of the child's identity;

19 (c) the child's background and ties, including  
20 familial, cultural, and religious;

21 (d) the child's sense of attachments, including:

22 (i) where the child actually feels love,  
23 attachment, and a sense of being valued (as opposed to  
24 where adults believe the child should feel such love,  
25 attachment, and a sense of being valued);

26 (ii) the child's sense of security;

1 (iii) the child's sense of familiarity;

2 (iv) continuity of affection for the child;

3 (v) the least disruptive placement alternative for  
4 the child;

5 (e) the child's wishes and long-term goals, including  
6 the child's wishes regarding available permanency options  
7 and the child's wishes regarding maintaining connections  
8 with parents, siblings, and other relatives;

9 (f) the child's community ties, including church,  
10 school, and friends;

11 (g) the child's need for permanence which includes the  
12 child's need for stability and continuity of relationships  
13 with parent figures, and ~~with~~ siblings, and other  
14 relatives;

15 (h) the uniqueness of every family and child;

16 (i) the risks attendant to entering and being in  
17 substitute care; and

18 (j) the preferences of the persons available to care  
19 for the child, including willingness to provide permanency  
20 to the child, either through subsidized guardianship or  
21 through adoption.

22 (4.08) "Caregiver" includes a foster parent, as defined in  
23 Section 2.17 of the Child Care Act of 1969, certified relative  
24 caregiver, as defined in Section 2.36 of the Child Care Act of  
25 1969, and relative caregiver as defined in Section 4d of the  
26 Children and Family Services Act.



1 (4.1) "Chronic truant" shall have the definition ascribed  
2 to it in Section 26-2a of the School Code.

3 (5) "Court" means the circuit court in a session or  
4 division assigned to hear proceedings under this Act.

5 (6) "Dispositional hearing" means a hearing to determine  
6 whether a minor should be adjudged to be a ward of the court,  
7 and to determine what order of disposition should be made in  
8 respect to a minor adjudged to be a ward of the court.

9 (6.5) "Dissemination" or "disseminate" means to publish,  
10 produce, print, manufacture, distribute, sell, lease, exhibit,  
11 broadcast, display, transmit, or otherwise share information  
12 in any format so as to make the information accessible to  
13 others.

14 (7) "Emancipated minor" means any minor 16 years of age or  
15 over who has been completely or partially emancipated under  
16 the Emancipation of Minors Act or under this Act.

17 (7.03) "Expunge" means to physically destroy the records  
18 and to obliterate the minor's name from any official index,  
19 public record, or electronic database.

20 (7.05) "Foster parent" includes a relative caregiver  
21 selected by the Department of Children and Family Services to  
22 provide care for the minor.

23 (8) "Guardianship of the person" of a minor means the duty  
24 and authority to act in the best interests of the minor,  
25 subject to residual parental rights and responsibilities, to  
26 make important decisions in matters having a permanent effect

1 on the life and development of the minor and to be concerned  
2 with the minor's general welfare. It includes but is not  
3 necessarily limited to:

4 (a) the authority to consent to marriage, to  
5 enlistment in the armed forces of the United States, or to  
6 a major medical, psychiatric, and surgical treatment; to  
7 represent the minor in legal actions; and to make other  
8 decisions of substantial legal significance concerning the  
9 minor;

10 (b) the authority and duty of reasonable visitation,  
11 except to the extent that these have been limited in the  
12 best interests of the minor by court order;

13 (c) the rights and responsibilities of legal custody  
14 except where legal custody has been vested in another  
15 person or agency; and

16 (d) the power to consent to the adoption of the minor,  
17 but only if expressly conferred on the guardian in  
18 accordance with Section 2-29, 3-30, or 4-27.

19 (8.1) "Juvenile court record" includes, but is not limited  
20 to:

21 (a) all documents filed in or maintained by the  
22 juvenile court pertaining to a specific incident,  
23 proceeding, or individual;

24 (b) all documents relating to a specific incident,  
25 proceeding, or individual made available to or maintained  
26 by probation officers;

1 (c) all documents, video or audio tapes, photographs,  
2 and exhibits admitted into evidence at juvenile court  
3 hearings; or

4 (d) all documents, transcripts, records, reports, or  
5 other evidence prepared by, maintained by, or released by  
6 any municipal, county, or State agency or department, in  
7 any format, if indicating involvement with the juvenile  
8 court relating to a specific incident, proceeding, or  
9 individual.

10 (8.2) "Juvenile law enforcement record" includes records  
11 of arrest, station adjustments, fingerprints, probation  
12 adjustments, the issuance of a notice to appear, or any other  
13 records or documents maintained by any law enforcement agency  
14 relating to a minor suspected of committing an offense, and  
15 records maintained by a law enforcement agency that identifies  
16 a juvenile as a suspect in committing an offense, but does not  
17 include records identifying a juvenile as a victim, witness,  
18 or missing juvenile and any records created, maintained, or  
19 used for purposes of referral to programs relating to  
20 diversion as defined in subsection (6) of Section 5-105.

21 (9) "Legal custody" means the relationship created by an  
22 order of court in the best interests of the minor which imposes  
23 on the custodian the responsibility of physical possession of  
24 a minor and the duty to protect, train and discipline the minor  
25 and to provide the minor with food, shelter, education, and  
26 ordinary medical care, except as these are limited by residual

1 parental rights and responsibilities and the rights and  
2 responsibilities of the guardian of the person, if any.

3 (9.1) "Mentally capable adult relative" means a person 21  
4 years of age or older who is not suffering from a mental  
5 illness that prevents the person from providing the care  
6 necessary to safeguard the physical safety and welfare of a  
7 minor who is left in that person's care by the parent or  
8 parents or other person responsible for the minor's welfare.

9 (10) "Minor" means a person under the age of 21 years  
10 subject to this Act.

11 (11) "Parent" means a father or mother of a child and  
12 includes any adoptive parent. It also includes a person (i)  
13 whose parentage is presumed or has been established under the  
14 law of this or another jurisdiction or (ii) who has registered  
15 with the Putative Father Registry in accordance with Section  
16 12.1 of the Adoption Act and whose paternity has not been ruled  
17 out under the law of this or another jurisdiction. It does not  
18 include a parent whose rights in respect to the minor have been  
19 terminated in any manner provided by law. It does not include a  
20 person who has been or could be determined to be a parent under  
21 the Illinois Parentage Act of 1984 or the Illinois Parentage  
22 Act of 2015, or similar parentage law in any other state, if  
23 that person has been convicted of or pled nolo contendere to a  
24 crime that resulted in the conception of the child under  
25 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
26 12-14.1, subsection (a) or (b) (but not subsection (c)) of

1 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
2 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
4 statute in another jurisdiction unless upon motion of any  
5 party, other than the offender, to the juvenile court  
6 proceedings the court finds it is in the child's best interest  
7 to deem the offender a parent for purposes of the juvenile  
8 court proceedings.

9 (11.1) "Permanency goal" means a goal set by the court as  
10 defined in subsection (2.3) ~~subdivision (2)~~ of Section 2-28.

11 (11.2) "Permanency hearing" means a hearing to set the  
12 permanency goal and to review and determine (i) the  
13 appropriateness of the services contained in the plan and  
14 whether those services have been provided, (ii) whether  
15 reasonable efforts have been made by all the parties to the  
16 service plan to achieve the goal, and (iii) whether the plan  
17 and goal have been achieved.

18 (12) "Petition" means the petition provided for in Section  
19 2-13, 3-15, 4-12, or 5-520, including any supplemental  
20 petitions thereunder in Section 3-15, 4-12, or 5-520.

21 (12.1) "Physically capable adult relative" means a person  
22 21 years of age or older who does not have a severe physical  
23 disability or medical condition, or is not suffering from  
24 alcoholism or drug addiction, that prevents the person from  
25 providing the care necessary to safeguard the physical safety  
26 and welfare of a minor who is left in that person's care by the

1 parent or parents or other person responsible for the minor's  
2 welfare.

3 (12.2) "Post Permanency Sibling Contact Agreement" has the  
4 meaning ascribed to the term in Section 7.4 of the Children and  
5 Family Services Act.

6 (12.3) "Residential treatment center" means a licensed  
7 setting that provides 24-hour care to children in a group home  
8 or institution, including a facility licensed as a child care  
9 institution under Section 2.06 of the Child Care Act of 1969, a  
10 licensed group home under Section 2.16 of the Child Care Act of  
11 1969, a qualified residential treatment program under Section  
12 2.35 of the Child Care Act of 1969, a secure child care  
13 facility as defined in paragraph (18) of this Section, or any  
14 similar facility in another state. "Residential treatment  
15 center" does not include a relative foster home or a licensed  
16 foster family home.

17 (13) "Residual parental rights and responsibilities" means  
18 those rights and responsibilities remaining with the parent  
19 after the transfer of legal custody or guardianship of the  
20 person, including, but not necessarily limited to, the right  
21 to reasonable visitation (which may be limited by the court in  
22 the best interests of the minor as provided in subsection  
23 (8) (b) of this Section), the right to consent to adoption, the  
24 right to determine the minor's religious affiliation, and the  
25 responsibility for the minor's support.

26 (14) "Shelter" means the temporary care of a minor in

1 physically unrestricting facilities pending court disposition  
2 or execution of court order for placement.

3 (14.05) "Shelter placement" means a temporary or emergency  
4 placement for a minor, including an emergency foster home  
5 placement.

6 (14.1) "Sibling Contact Support Plan" has the meaning  
7 ascribed to the term in Section 7.4 of the Children and Family  
8 Services Act.

9 (14.2) "Significant event report" means a written document  
10 describing an occurrence or event beyond the customary  
11 operations, routines, or relationships in the Department of  
12 Children of Family Services, a child care facility, or other  
13 entity that is licensed or regulated by the Department of  
14 Children of Family Services or that provides services for the  
15 Department of Children of Family Services under a grant,  
16 contract, or purchase of service agreement; involving children  
17 or youth, employees, foster parents, or relative caregivers;  
18 allegations of abuse or neglect or any other incident raising  
19 a concern about the well-being of a minor under the  
20 jurisdiction of the court under Article II of the Juvenile  
21 Court Act of 1987; incidents involving damage to property,  
22 allegations of criminal activity, misconduct, or other  
23 occurrences affecting the operations of the Department of  
24 Children of Family Services or a child care facility; any  
25 incident that could have media impact; and unusual incidents  
26 as defined by Department of Children and Family Services rule.

1           (15) "Station adjustment" means the informal handling of  
2 an alleged offender by a juvenile police officer.

3           (16) "Ward of the court" means a minor who is so adjudged  
4 under Section 2-22, 3-23, 4-20, or 5-705, after a finding of  
5 the requisite jurisdictional facts, and thus is subject to the  
6 dispositional powers of the court under this Act.

7           (17) "Juvenile police officer" means a sworn police  
8 officer who has completed a Basic Recruit Training Course, has  
9 been assigned to the position of juvenile police officer by  
10 the officer's chief law enforcement officer and has completed  
11 the necessary juvenile officers training as prescribed by the  
12 Illinois Law Enforcement Training Standards Board, or in the  
13 case of a State police officer, juvenile officer training  
14 approved by the Director of the Illinois 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; 103-22, eff. 8-8-23;  
4 103-564, eff. 11-17-23.)

5 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

6 Sec. 1-5. Rights of parties to proceedings.

7 (1) Except as provided in this Section and paragraph (2)  
8 of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is  
9 the subject of the proceeding and the minor's parents,  
10 guardian, legal custodian or responsible relative who are  
11 parties respondent have the right to be present, to be heard,  
12 to present evidence material to the proceedings, to  
13 cross-examine witnesses, to examine pertinent court files and  
14 records and also, although proceedings under this Act are not  
15 intended to be adversary in character, the right to be  
16 represented by counsel. At the request of any party  
17 financially unable to employ counsel, with the exception of a  
18 foster parent permitted to intervene under this Section, the  
19 court shall appoint the Public Defender or such other counsel  
20 as the case may require. Counsel appointed for the minor and  
21 any indigent party shall appear at all stages of the trial  
22 court proceeding, and such appointment shall continue through  
23 the permanency hearings and termination of parental rights  
24 proceedings subject to withdrawal, vacating of appointment, or  
25 substitution pursuant to Supreme Court Rules or the Code of

1 Civil Procedure. Following the dispositional hearing, the  
2 court may require appointed counsel, other than counsel for  
3 the minor or counsel for the guardian ad litem, to withdraw the  
4 counsel's appearance upon failure of the party for whom  
5 counsel was appointed under this Section to attend any  
6 subsequent proceedings.

7 No hearing on any petition or motion filed under this Act  
8 may be commenced unless the minor who is the subject of the  
9 proceeding is represented by counsel. Notwithstanding the  
10 preceding sentence, if a guardian ad litem has been appointed  
11 for the minor under Section 2-17 of this Act and the guardian  
12 ad litem is a licensed attorney at law of this State, or in the  
13 event that a court appointed special advocate has been  
14 appointed as guardian ad litem and counsel has been appointed  
15 to represent the court appointed special advocate, the court  
16 may not require the appointment of counsel to represent the  
17 minor unless the court finds that the minor's interests are in  
18 conflict with what the guardian ad litem determines to be in  
19 the best interest of the minor. Each adult respondent shall be  
20 furnished a written "Notice of Rights" at or before the first  
21 hearing at which the adult respondent appears.

22 (1.5) The Department shall maintain a system of response  
23 to inquiry made by parents or putative parents as to whether  
24 their child is under the custody or guardianship of the  
25 Department; and if so, the Department shall direct the parents  
26 or putative parents to the appropriate court of jurisdiction,

1 including where inquiry may be made of the clerk of the court  
2 regarding the case number and the next scheduled court date of  
3 the minor's case. Effective notice and the means of accessing  
4 information shall be given to the public on a continuing basis  
5 by the Department.

6 (2) (a) Though not appointed guardian or legal custodian or  
7 otherwise made a party to the proceeding, any current or  
8 previously appointed ~~foster parent or relative~~ caregiver, or  
9 representative of an agency or association interested in the  
10 minor has the right to be heard by the court, but does not  
11 thereby become a party to the proceeding.

12 In addition to the foregoing right to be heard by the  
13 court, any current ~~foster parent or relative~~ caregiver of a  
14 minor and the agency designated by the court or the Department  
15 of Children and Family Services as custodian of the minor who  
16 is alleged to be or has been adjudicated an abused or neglected  
17 minor under Section 2-3 or a dependent minor under Section 2-4  
18 of this Act has the right to and shall be given adequate notice  
19 at all stages of any hearing or proceeding under this Act.

20 Any ~~foster parent or relative~~ caregiver who is denied the  
21 right to be heard under this Section may bring a mandamus  
22 action under Article XIV of the Code of Civil Procedure  
23 against the court or any public agency to enforce that right.  
24 The mandamus action may be brought immediately upon the denial  
25 of those rights but in no event later than 30 days after the  
26 ~~foster parent~~ caregiver has been denied the right to be 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 caregiver ~~foster parent~~ may file a motion to intervene in the  
7 proceeding for the sole purpose of requesting that the minor  
8 be placed with the caregiver ~~foster parent~~, provided that the  
9 caregiver ~~foster parent~~ (i) is the current caregiver ~~foster~~  
10 ~~parent~~ of the minor or (ii) has previously been a caregiver  
11 ~~foster parent~~ for the minor for one year or more, has a foster  
12 care license or is eligible for a license or is not required to  
13 have a license, and is not the subject of any findings of abuse  
14 or neglect of any child. The juvenile court may only enter  
15 orders placing a minor with a specific caregiver ~~foster parent~~  
16 under this subsection (2) (b) and nothing in this Section shall  
17 be construed to confer any jurisdiction or authority on the  
18 juvenile court to issue any other orders requiring the  
19 appointed guardian or custodian of a minor to place the minor  
20 in a designated caregiver's ~~foster~~ home or facility. This  
21 Section is not intended to encompass any matters that are  
22 within the scope or determinable under the administrative and  
23 appeal process established by rules of the Department of  
24 Children and Family Services under Section 5(o) of the  
25 Children and Family Services Act. Nothing in this Section  
26 shall relieve the court of its responsibility, under Section

1 2-14(a) of this Act to act in a just and speedy manner to  
2 reunify families where it is the best interests of the minor  
3 and the child can be cared for at home without endangering the  
4 child's health or safety and, if reunification is not in the  
5 best interests of the minor, to find another permanent home  
6 for the minor. Nothing in this Section, or in any order issued  
7 by the court with respect to the placement of a minor with a  
8 caregiver ~~foster parent~~, shall impair the ability of the  
9 Department of Children and Family Services, or anyone else  
10 authorized under Section 5 of the Abused and Neglected Child  
11 Reporting Act, to remove a minor from the home of a caregiver  
12 ~~foster parent~~ if the Department of Children and Family  
13 Services or the person removing the minor has reason to  
14 believe that the circumstances or conditions of the minor are  
15 such that continuing in the residence or care of the caregiver  
16 ~~foster parent~~ will jeopardize the child's health and safety or  
17 present an imminent risk of harm to that minor's life.

18 (c) If a caregiver ~~foster parent~~ has had the minor who is  
19 the subject of the proceeding under Article II in the  
20 caregiver's ~~foster parent's~~ home for more than one year on or  
21 after July 3, 1994 and if the minor's placement is being  
22 terminated from that caregiver's ~~foster parent's~~ home, that  
23 caregiver ~~foster parent~~ shall have standing and intervenor  
24 status except in those circumstances where the Department of  
25 Children and Family Services or anyone else authorized under  
26 Section 5 of the Abused and Neglected Child Reporting Act has

1 removed the minor from the caregiver ~~foster parent~~ because of  
2 a reasonable belief that the circumstances or conditions of  
3 the minor are such that continuing in the residence or care of  
4 the caregiver ~~foster parent~~ will jeopardize the child's health  
5 or safety or presents an imminent risk of harm to the minor's  
6 life.

7 (d) The court may grant standing to any caregiver ~~foster~~  
8 ~~parent~~ if the court finds that it is in the best interest of  
9 the child for the caregiver ~~foster parent~~ to have standing and  
10 intervenor status.

11 (3) Parties respondent are entitled to notice in  
12 compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14  
13 and 4-15 or 5-525 and 5-530, as appropriate. At the first  
14 appearance before the court by the minor, the minor's parents,  
15 guardian, custodian or responsible relative, the court shall  
16 explain the nature of the proceedings and inform the parties  
17 of their rights under the first 2 paragraphs of this Section.

18 If the child is alleged to be abused, neglected or  
19 dependent, the court shall admonish the parents that if the  
20 court declares the child to be a ward of the court and awards  
21 custody or guardianship to the Department of Children and  
22 Family Services, the parents must cooperate with the  
23 Department of Children and Family Services, comply with the  
24 terms of the service plans, and correct the conditions that  
25 require the child to be in care, or risk termination of their  
26 parental rights.

1           Upon an adjudication of wardship of the court under  
2 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the  
3 parties of their right to appeal therefrom as well as from any  
4 other final judgment of the court.

5           When the court finds that a child is an abused, neglected,  
6 or dependent minor under Section 2-21, the court shall  
7 admonish the parents that the parents must cooperate with the  
8 Department of Children and Family Services, comply with the  
9 terms of the service plans, and correct the conditions that  
10 require the child to be in care, or risk termination of their  
11 parental rights.

12           When the court declares a child to be a ward of the court  
13 and awards guardianship to the Department of Children and  
14 Family Services under Section 2-22, the court shall admonish  
15 the parents, guardian, custodian, or responsible relative that  
16 the parents must cooperate with the Department of Children and  
17 Family Services, comply with the terms of the service plans,  
18 and correct the conditions that require the child to be in  
19 care, or risk termination of their parental rights.

20           (4) No sanction may be applied against the minor who is the  
21 subject of the proceedings by reason of the minor's refusal or  
22 failure to testify in the course of any hearing held prior to  
23 final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

24           (5) In the discretion of the court, the minor may be  
25 excluded from any part or parts of a dispositional hearing  
26 and, with the consent of the parent or parents, guardian,

1 counsel or a guardian ad litem, from any part or parts of an  
2 adjudicatory hearing.

3 (6) The general public except for the news media and the  
4 crime victim, as defined in Section 3 of the Rights of Crime  
5 Victims and Witnesses Act, shall be excluded from any hearing  
6 and, except for the persons specified in this Section only  
7 persons, including representatives of agencies and  
8 associations, who in the opinion of the court have a direct  
9 interest in the case or in the work of the court shall be  
10 admitted to the hearing. However, the court may, for the  
11 minor's safety and protection and for good cause shown,  
12 prohibit any person or agency present in court from further  
13 disclosing the minor's identity. Nothing in this subsection  
14 (6) prevents the court from allowing other juveniles to be  
15 present or to participate in a court session being held under  
16 the Juvenile Drug Court Treatment Act.

17 (7) A party shall not be entitled to exercise the right to  
18 a substitution of a judge without cause under subdivision  
19 (a) (2) of Section 2-1001 of the Code of Civil Procedure in a  
20 proceeding under this Act if the judge is currently assigned  
21 to a proceeding involving the alleged abuse, neglect, or  
22 dependency of the minor's sibling or half sibling and that  
23 judge has made a substantive ruling in the proceeding  
24 involving the minor's sibling or half sibling.

25 (Source: P.A. 103-22, eff. 8-8-23.)



1 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

2 Sec. 2-10. Temporary custody hearing. At the appearance of  
3 the minor before the court at the temporary custody hearing,  
4 all 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 abused, neglected, or dependent it  
9 shall release the minor and dismiss the petition.

10 (2) If the court finds that there is probable cause to  
11 believe that the minor is abused, neglected, or dependent, the  
12 court shall state in writing the factual basis supporting its  
13 finding and the minor, the minor's parent, guardian, or  
14 custodian, and other persons able to give relevant testimony  
15 shall be examined before the court. The Department of Children  
16 and Family Services shall give testimony concerning indicated  
17 reports of abuse and neglect, of which they are aware through  
18 the central registry, involving the minor's parent, guardian,  
19 or custodian. After such testimony, the court may, consistent  
20 with the health, safety, and best interests of the minor,  
21 enter an order that the minor shall be released upon the  
22 request of parent, guardian, or custodian if the parent,  
23 guardian, or custodian appears to take custody. If it is  
24 determined that a parent's, guardian's, or custodian's  
25 compliance with critical services mitigates the necessity for  
26 removal of the minor from the minor's home, the court may enter

1 an Order of Protection setting forth reasonable conditions of  
2 behavior that a parent, guardian, or custodian must observe  
3 for a specified period of time, not to exceed 12 months,  
4 without a violation; provided, however, that the 12-month  
5 period shall begin anew after any violation. "Custodian"  
6 includes the Department of Children and Family Services, if it  
7 has been given custody of the child, or any other agency of the  
8 State which has been given custody or wardship of the child. If  
9 it is consistent with the health, safety, and best interests  
10 of the minor, the court may also prescribe shelter care and  
11 order that the minor be kept in a suitable place designated by  
12 the court or in a shelter care facility designated by the  
13 Department of Children and Family Services or a licensed child  
14 welfare agency; however, on and after January 1, 2015 (the  
15 effective date of Public Act 98-803) and before January 1,  
16 2017, a minor charged with a criminal offense under the  
17 Criminal Code of 1961 or the Criminal Code of 2012 or  
18 adjudicated delinquent shall not be placed in the custody of  
19 or committed to the Department of Children and Family Services  
20 by any court, except a minor less than 16 years of age and  
21 committed to the Department of Children and Family Services  
22 under Section 5-710 of this Act or a minor for whom an  
23 independent basis of abuse, neglect, or dependency exists; and  
24 on and after January 1, 2017, a minor charged with a criminal  
25 offense under the Criminal Code of 1961 or the Criminal Code of  
26 2012 or adjudicated delinquent shall not be placed in the

1 custody of or committed to the Department of Children and  
2 Family Services by any court, except a minor less than 15 years  
3 of age and committed to the Department of Children and Family  
4 Services under Section 5-710 of this Act or a minor for whom an  
5 independent basis of abuse, neglect, or dependency exists. An  
6 independent basis exists when the allegations or adjudication  
7 of abuse, neglect, or dependency do not arise from the same  
8 facts, incident, or circumstances which give rise to a charge  
9 or adjudication of delinquency.

10 In placing the minor, the Department or other agency  
11 shall, to the extent compatible with the court's order, comply  
12 with Section 7 of the Children and Family Services Act. In  
13 determining the health, safety, and best interests of the  
14 minor to prescribe shelter care, the court must find that it is  
15 a matter of immediate and urgent necessity for the safety and  
16 protection of the minor or of the person or property of another  
17 that the minor be placed in a shelter care facility or that the  
18 minor is likely to flee the jurisdiction of the court, and must  
19 further find that reasonable efforts have been made or that,  
20 consistent with the health, safety and best interests of the  
21 minor, no efforts reasonably can be made to prevent or  
22 eliminate the necessity of removal of the minor from the  
23 minor's home. The court shall require documentation from the  
24 Department of Children and Family Services as to the  
25 reasonable efforts that were made to prevent or eliminate the  
26 necessity of removal of the minor from the minor's home or the

1 reasons why no efforts reasonably could be made to prevent or  
2 eliminate the necessity of removal. When a minor is placed in  
3 the home of a relative, the Department of Children and Family  
4 Services shall complete a preliminary background review of the  
5 members of the minor's custodian's household in accordance  
6 with Section 3.4 or Section 4.3 of the Child Care Act of 1969  
7 within 90 days of that placement. If the minor is not placed in  
8 the home of a relative, the court shall require evidence from  
9 the Department as to the efforts that were made to place the  
10 minor in the home of a relative or the reasons why no efforts  
11 reasonably could be made to place the minor in the home of a  
12 relative, consistent with the best interests of the minor. If  
13 the minor is ordered placed in a shelter care facility of the  
14 Department of Children and Family Services or a licensed child  
15 welfare agency, the court shall, upon request of the  
16 appropriate Department or other agency, appoint the Department  
17 of Children and Family Services Guardianship Administrator or  
18 other appropriate agency executive temporary custodian of the  
19 minor and the court may enter such other orders related to the  
20 temporary custody as it deems fit and proper, including the  
21 provision of services to the minor or the minor's family to  
22 ameliorate the causes contributing to the finding of probable  
23 cause or to the finding of the existence of immediate and  
24 urgent necessity.

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

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

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

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

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

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

1 on available facts to the Department and its assigns when  
2 viewed in light of the surrounding circumstances and shall  
3 only occur on an individual case-by-case basis. The Department  
4 shall file with the court and serve on the parties any  
5 amendments to the plan within 10 days, excluding weekends and  
6 holidays, of the change of the visitation.

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



1 with the court's findings of fact in support thereof shall be  
2 entered of record in the court.

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

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

1       (2.5) When the court places the minor in the temporary  
2 custody of the Department, the court shall inquire of the  
3 Department's initial family finding and relative engagement  
4 efforts, as described in Section 7 of the Children and Family  
5 Services Act, and the Department shall complete any remaining  
6 family finding and relative engagement efforts required under  
7 Section 7 of the Children and Family Services Act within 30  
8 days of the minor being taken into temporary custody. The  
9 Department shall complete new family finding and relative  
10 engagement efforts in accordance with Section 7 of the  
11 Children and Family Services Act for relatives of the minor  
12 within 30 days of an unknown parent's identity being  
13 determined or a parent whose whereabouts were unknown being  
14 located.

15       (3) If prior to the shelter care hearing for a minor  
16 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party  
17 is unable to serve notice on the party respondent, the shelter  
18 care hearing may proceed ex parte. A shelter care order from an  
19 ex parte hearing shall be endorsed with the date and hour of  
20 issuance and shall be filed with the clerk's office and  
21 entered of record. The order shall expire after 10 days from  
22 the time it is issued unless before its expiration it is  
23 renewed, at a hearing upon appearance of the party respondent,  
24 or upon an affidavit of the moving party as to all diligent  
25 efforts to notify the party respondent by notice as herein  
26 prescribed. The notice prescribed shall be in writing and

1 shall be personally delivered to the minor or the minor's  
 2 attorney and to the last known address of the other person or  
 3 persons entitled to notice. The notice shall also state the  
 4 nature of the allegations, the nature of the order sought by  
 5 the State, including whether temporary custody is sought, and  
 6 the consequences of failure to appear and shall contain a  
 7 notice that the parties will not be entitled to further  
 8 written notices or publication notices of proceedings in this  
 9 case, including the filing of an amended petition or a motion  
 10 to terminate parental rights, except as required by Supreme  
 11 Court Rule 11; and shall explain the right of the parties and  
 12 the procedures to vacate or modify a shelter care order as  
 13 provided in this Section. The notice for a shelter care  
 14 hearing shall be substantially as follows:

15 NOTICE TO PARENTS AND CHILDREN  
 16 OF SHELTER CARE HEARING

17 On ..... at ....., before the Honorable  
 18 ....., (address:) ....., the State  
 19 of Illinois will present evidence (1) that (name of child  
 20 or children) ..... are abused,  
 21 neglected, or dependent for the following reasons:  
 22 ..... and (2)  
 23 whether there is "immediate and urgent necessity" to  
 24 remove the child or children from the responsible  
 25 relative.

26 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN

1 PLACEMENT of the child or children in foster care until a  
2 trial can be held. A trial may not be held for up to 90  
3 days. You will not be entitled to further notices of  
4 proceedings in this case, including the filing of an  
5 amended petition or a motion to terminate parental rights.

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

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

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

12 3. To present evidence concerning:

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

15 b. Whether or not there is "immediate and  
16 urgent necessity" to remove the child from home  
17 (including: their ability to care for the child,  
18 conditions in the home, alternative means of  
19 protecting the child other than removal).

20 c. The best interests of the child.

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

22 The Notice for rehearings shall be substantially as  
23 follows:

24 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS  
25 TO REHEARING ON TEMPORARY CUSTODY

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

- 11           1. That you were not present at the shelter care
- 12           hearing.
- 13           2. That you did not get adequate notice
- 14           (explaining how the notice was inadequate).
- 15           3. Your signature.
- 16           4. Signature must be notarized.

17           The rehearing should be scheduled within 48 hours of  
 18 your filing this affidavit.

19           At the rehearing, your rights are the same as at the  
 20 initial shelter care hearing. The enclosed notice explains  
 21 those rights.

22           At the Shelter Care Hearing, children have the  
 23 following rights:

- 24           1. To have a guardian ad litem appointed.
- 25           2. To be declared competent as a witness and to
- 26           present testimony concerning:

1           a. Whether they are abused, neglected or  
2           dependent.

3           b. Whether there is "immediate and urgent  
4           necessity" to be removed from home.

5           c. Their best interests.

6           3. To cross examine witnesses for other parties.

7           4. To obtain an explanation of any proceedings and  
8           orders of the court.

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

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

24          (6) No minor under 16 years of age may be confined in a  
25          jail or place ordinarily used for the confinement of prisoners  
26          in a police station. Minors under 18 years of age must be kept

1 separate from confined adults and may not at any time be kept  
2 in the same cell, room, or yard with adults confined pursuant  
3 to the criminal law.

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

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

19 (9) Notwithstanding any other provision of this Section  
20 any interested party, including the State, the temporary  
21 custodian, an agency providing services to the minor or family  
22 under a service plan pursuant to Section 8.2 of the Abused and  
23 Neglected Child Reporting Act, foster parent, or any of their  
24 representatives, on notice to all parties entitled to notice,  
25 may file a motion that it is in the best interests of the minor  
26 to modify or vacate a temporary custody order on any of the

1 following grounds:

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

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

8 (c) A person not a party to the alleged abuse, neglect  
9 or dependency, including a parent, relative, or legal  
10 guardian, is capable of assuming temporary custody of the  
11 minor; or

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

17 In ruling on the motion, the court shall determine whether  
18 it is consistent with the health, safety, and best interests  
19 of the minor to modify or vacate a temporary custody order. If  
20 the minor is being restored to the custody of a parent, legal  
21 custodian, or guardian who lives outside of Illinois, and an  
22 Interstate Compact has been requested and refused, the court  
23 may order the Department of Children and Family Services to  
24 arrange for an assessment of the minor's proposed living  
25 arrangement and for ongoing monitoring of the health, safety,  
26 and best interest of the minor and compliance with any order of



1 protective supervision entered in accordance with Section 2-20  
2 or 2-25.

3 The clerk shall set the matter for hearing not later than  
4 14 days after such motion is filed. In the event that the court  
5 modifies or vacates a temporary custody order but does not  
6 vacate its finding of probable cause, the court may order that  
7 appropriate services be continued or initiated in behalf of  
8 the minor and the minor's family.

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

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

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

20 Once the presumption of immediate and urgent necessity has  
21 been raised, the burden of demonstrating the lack of immediate  
22 and urgent necessity shall be on any party that is opposing  
23 shelter care for the other minor.

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

1 98-61).

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

15 (a) the efforts to identify and locate the respondents  
16 and adult family members of the minor and the results of  
17 those efforts;

18 (b) the efforts to engage the respondents and adult  
19 family members of the minor in decision making on behalf  
20 of the minor;

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

23 (d) the relationship between the respondents and adult  
24 family members and the minor;

25 (e) medical testimony regarding the extent to which  
26 the minor is suffering and the impact of a delay in

1 decision-making on the minor; and

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

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

9 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;  
10 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; revised 9-20-23.)

11 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

12 Sec. 2-13. Petition.

13 (1) Any adult person, any agency or association by its  
14 representative may file, or the court on its own motion,  
15 consistent with the health, safety and best interests of the  
16 minor may direct the filing through the State's Attorney of a  
17 petition in respect of a minor under this Act. The petition and  
18 all subsequent court documents shall be entitled "In the  
19 interest of ....., a minor".

20 (2) The petition shall be verified but the statements may  
21 be made upon information and belief. It shall allege that the  
22 minor is abused, neglected, or dependent, with citations to  
23 the appropriate provisions of this Act, and set forth (a)  
24 facts sufficient to bring the minor under Section 2-3 or 2-4  
25 and to inform respondents of the cause of action, including,

1 but not limited to, a plain and concise statement of the  
2 factual allegations that form the basis for the filing of the  
3 petition; (b) the name, age and residence of the minor; (c) the  
4 names and residences of the minor's parents; (d) the name and  
5 residence of the minor's legal guardian or the person or  
6 persons having custody or control of the minor, or of the  
7 nearest known relative if no parent or guardian can be found;  
8 and (e) if the minor upon whose behalf the petition is brought  
9 is sheltered in custody, the date on which such temporary  
10 custody was ordered by the court or the date set for a  
11 temporary custody hearing. If any of the facts herein required  
12 are 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 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. The  
18 petition may request that the minor remain in the custody of  
19 the parent, guardian, or custodian under an Order of  
20 Protection.

21 (4) If termination of parental rights and appointment of a  
22 guardian of the person with power to consent to adoption of the  
23 minor under Section 2-29 is sought, the petition shall so  
24 state. If the petition includes this request, the prayer for  
25 relief shall clearly and obviously state that the parents  
26 could permanently lose their rights as a parent at this

1 hearing.

2 In addition to the foregoing, the petitioner, by motion,  
3 may request the termination of parental rights and appointment  
4 of a guardian of the person with power to consent to adoption  
5 of the minor under Section 2-29 at any time after the entry of  
6 a dispositional order under Section 2-22.

7 (4.5) (a) Unless good cause exists that filing a petition  
8 to terminate parental rights is contrary to the child's best  
9 interests, with respect to any minors committed to its care  
10 pursuant to this Act, the Department of Children and Family  
11 Services shall request the State's Attorney to file a petition  
12 or motion for termination of parental rights and appointment  
13 of guardian of the person with power to consent to adoption of  
14 the minor under Section 2-29 if:

15 (i) a minor has been in foster care, as described in  
16 subsection (b), for 15 months of the most recent 22  
17 months; or

18 (ii) a minor under the age of 2 years has been  
19 previously determined to be abandoned at an adjudicatory  
20 hearing; or

21 (iii) the parent is criminally convicted of:

22 (A) first degree murder or second degree murder of  
23 any child;

24 (B) attempt or conspiracy to commit first degree  
25 murder or second degree murder of any child;

26 (C) solicitation to commit murder of any child,

1 solicitation to commit murder for hire of any child,  
2 or solicitation to commit second degree murder of any  
3 child;

4 (D) aggravated battery, aggravated battery of a  
5 child, or felony domestic battery, any of which has  
6 resulted in serious injury to the minor or a sibling of  
7 the minor;

8 (E) predatory criminal sexual assault of a child;

9 (E-5) aggravated criminal sexual assault;

10 (E-10) criminal sexual abuse in violation of  
11 subsection (a) of Section 11-1.50 of the Criminal Code  
12 of 1961 or the Criminal Code of 2012;

13 (E-15) sexual exploitation of a child;

14 (E-20) permitting sexual abuse of a child;

15 (E-25) criminal sexual assault; or

16 (F) an offense in any other state the elements of  
17 which are similar and bear a substantial relationship  
18 to any of the foregoing offenses.

19 (a-1) For purposes of this subsection (4.5), good cause  
20 exists in the following circumstances:

21 (i) the child is being cared for by a relative,

22 (ii) the Department has documented in the case plan a  
23 compelling reason for determining that filing such  
24 petition would not be in the best interests of the child,

25 (iii) the court has found within the preceding 12  
26 months that the Department has failed to make reasonable

1 efforts to reunify the child and family, ~~or~~

2 (iv) the parent is incarcerated, or the parent's prior  
3 incarceration is a significant factor in why the child has  
4 been in foster care for 15 months out of any 22-month  
5 period, the parent maintains a meaningful role in the  
6 child's life, and the Department has not documented  
7 another reason why it would otherwise be appropriate to  
8 file a petition to terminate parental rights pursuant to  
9 this Section and the Adoption Act. The assessment of  
10 whether an incarcerated parent maintains a meaningful role  
11 in the child's life may include consideration of the  
12 following:

13 (A) the child's best interest;

14 (B) the parent's expressions or acts of  
15 manifesting concern for the child, such as letters,  
16 telephone calls, visits, and other forms of  
17 communication with the child and the impact of the  
18 communication on the child;

19 (C) the parent's efforts to communicate with and  
20 work with the Department for the purpose of complying  
21 with the service plan and repairing, maintaining, or  
22 building the parent-child relationship; ~~or~~

23 (D) limitations in the parent's access to family  
24 support programs, therapeutic services, visiting  
25 opportunities, telephone and mail services, and  
26 meaningful participation in court proceedings; or ~~or~~

1           (v) the Department has not yet met with the child's  
2           caregiver to discuss the permanency goals of guardianship  
3           and adoption.

4           (b) For purposes of this subsection, the date of entering  
5 foster care is defined as the earlier of:

6           (1) The date of a judicial finding at an adjudicatory  
7 hearing that the child is an abused, neglected, or  
8 dependent minor; or

9           (2) 60 days after the date on which the child is  
10 removed from the child's parent, guardian, or legal  
11 custodian.

12           (c) (Blank).

13           (d) (Blank).

14           (5) The court shall liberally allow the petitioner to  
15 amend the petition to set forth a cause of action or to add,  
16 amend, or supplement factual allegations that form the basis  
17 for a cause of action up until 14 days before the adjudicatory  
18 hearing. The petitioner may amend the petition after that date  
19 and prior to the adjudicatory hearing if the court grants  
20 leave to amend upon a showing of good cause. The court may  
21 allow amendment of the petition to conform with the evidence  
22 at any time prior to ruling. In all cases in which the court  
23 has granted leave to amend based on new evidence or new  
24 allegations, the court shall permit the respondent an adequate  
25 opportunity to prepare a defense to the amended petition.

26           (6) At any time before dismissal of the petition or before



1 final closing and discharge under Section 2-31, one or more  
2 motions in the best interests of the minor may be filed. The  
3 motion shall specify sufficient facts in support of the relief  
4 requested.

5 (Source: P.A. 103-22, eff. 8-8-23.)

6 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

7 Sec. 2-21. Findings and adjudication.

8 (1) The court shall state for the record the manner in  
9 which the parties received service of process and shall note  
10 whether the return or returns of service, postal return  
11 receipt or receipts for notice by certified mail, or  
12 certificate or certificates of publication have been filed in  
13 the court record. The court shall enter any appropriate orders  
14 of default against any parent who has been properly served in  
15 any manner and fails to appear.

16 No further service of process as defined in Sections 2-15  
17 and 2-16 is required in any subsequent proceeding for a parent  
18 who was properly served in any manner, except as required by  
19 Supreme Court Rule 11.

20 The caseworker shall testify about the diligent search  
21 conducted for the parent.

22 After hearing the evidence the court shall determine  
23 whether or not the minor is abused, neglected, or dependent.  
24 If it finds that the minor is not such a person, the court  
25 shall order the petition dismissed and the minor discharged.

1 The court's determination of whether the minor is abused,  
2 neglected, or dependent shall be stated in writing with the  
3 factual basis supporting that determination.

4 If the court finds that the minor is abused, neglected, or  
5 dependent, the court shall then determine and put in writing  
6 the factual basis supporting that determination, and specify,  
7 to the extent possible, the acts or omissions or both of each  
8 parent, guardian, or legal custodian that form the basis of  
9 the court's findings. That finding shall appear in the order  
10 of the court.

11 If the court finds that the child has been abused,  
12 neglected or dependent, the court shall admonish the parents  
13 that they must cooperate with the Department of Children and  
14 Family Services, comply with the terms of the service plan,  
15 and correct the conditions that require the child to be in  
16 care, or risk termination of parental rights.

17 If the court determines that a person has inflicted  
18 physical or sexual abuse upon a minor, the court shall report  
19 that determination to the Illinois State Police, which shall  
20 include that information in its report to the President of the  
21 school board for a school district that requests a criminal  
22 history records check of that person, or the regional  
23 superintendent of schools who requests a check of that person,  
24 as required under Section 10-21.9 or 34-18.5 of the School  
25 Code.

26 (2) If, pursuant to subsection (1) of this Section, the

1 court determines and puts in writing the factual basis  
2 supporting the determination that the minor is either abused  
3 or neglected or dependent, the court shall then set a time not  
4 later than 30 days after the entry of the finding for a  
5 dispositional hearing (unless an earlier date is required  
6 pursuant to Section 2-13.1) to be conducted under Section 2-22  
7 at which hearing the court shall determine whether it is  
8 consistent with the health, safety and best interests of the  
9 minor and the public that the minor ~~he~~ be made a ward of the  
10 court. To assist the court in making this and other  
11 determinations at the dispositional hearing, the court may  
12 order that an investigation be conducted and a dispositional  
13 report be prepared concerning the minor's physical and mental  
14 history and condition, family situation and background,  
15 economic status, education, occupation, history of delinquency  
16 or criminality, personal habits, and any other information  
17 that may be helpful to the court. The dispositional hearing  
18 may be continued once for a period not to exceed 30 days if the  
19 court finds that such continuance is necessary to complete the  
20 dispositional report.

21 (3) The time limits of this Section may be waived only by  
22 consent of all parties and approval by the court, as  
23 determined to be consistent with the health, safety and best  
24 interests of the minor.

25 (4) For all cases adjudicated prior to July 1, 1991, for  
26 which no dispositional hearing has been held prior to that

1 date, a dispositional hearing under Section 2-22 shall be held  
2 within 90 days of July 1, 1991.

3 (5) The court may terminate the parental rights of a  
4 parent at the initial dispositional hearing if all of the  
5 following conditions are met:

6 (i) the original or amended petition contains a  
7 request for termination of parental rights and appointment  
8 of a guardian with power to consent to adoption; and

9 (ii) the court has found by a preponderance of  
10 evidence, introduced or stipulated to at an adjudicatory  
11 hearing, that the child comes under the jurisdiction of  
12 the court as an abused, neglected, or dependent minor  
13 under Section 2-18; and

14 (iii) the court finds, on the basis of clear and  
15 convincing evidence admitted at the adjudicatory hearing  
16 that the parent is an unfit person under subdivision D of  
17 Section 1 of the Adoption Act; and

18 (iv) the court determines in accordance with the rules  
19 of evidence for dispositional proceedings, that:

20 (A) it is in the best interest of the minor and  
21 public that the child be made a ward of the court;

22 (A-1) the petitioner has demonstrated that the  
23 Department has discussed the permanency options of  
24 guardianship and adoption with the caregiver and the  
25 Department has informed the court of the caregiver's  
26 wishes as to the permanency goal;

1 (A-5) reasonable efforts under subsection (1-1) of  
2 Section 5 of the Children and Family Services Act are  
3 inappropriate or such efforts were made and were  
4 unsuccessful; and

5 (B) termination of parental rights and appointment  
6 of a guardian with power to consent to adoption is in  
7 the best interest of the child pursuant to Section  
8 2-29.

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

10 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

11 Sec. 2-22. Dispositional hearing; evidence; continuance.

12 (1) At the dispositional hearing, the court shall  
13 determine whether it is in the best interests of the minor and  
14 the public that the minor be made a ward of the court, and, if  
15 the minor is to be made a ward of the court, the court shall  
16 determine the proper disposition best serving the health,  
17 safety and interests of the minor and the public. The court  
18 also shall consider the Department's diligent efforts in  
19 family finding and relative engagement for the minor required  
20 under Section 2-27.3, the permanency goal set for the minor,  
21 the nature of the service plan for the minor and the services  
22 delivered and to be delivered under the plan. All evidence  
23 helpful in determining these questions, including oral and  
24 written reports, may be admitted and may be relied upon to the  
25 extent of its probative value, even though not competent for

1 the purposes of the adjudicatory hearing.

2 (2) Once all parties respondent have been served in  
3 compliance with Sections 2-15 and 2-16, no further service or  
4 notice must be given to a party prior to proceeding to a  
5 dispositional hearing. Before making an order of disposition  
6 the court shall advise the State's Attorney, the parents,  
7 guardian, custodian or responsible relative or their counsel  
8 of the factual contents and the conclusions of the reports  
9 prepared for the use of the court and considered by it, and  
10 afford fair opportunity, if requested, to controvert them. The  
11 court may order, however, that the documents containing such  
12 reports need not be submitted to inspection, or that sources  
13 of confidential information need not be disclosed except to  
14 the attorneys for the parties. Factual contents, conclusions,  
15 documents and sources disclosed by the court under this  
16 paragraph shall not be further disclosed without the express  
17 approval of the court pursuant to an in camera hearing.

18 (3) A record of a prior continuance under supervision  
19 under Section 2-20, whether successfully completed with regard  
20 to the child's health, safety and best interest, or not, is  
21 admissible at the dispositional hearing.

22 (4) On its own motion or that of the State's Attorney, a  
23 parent, guardian, custodian, responsible relative or counsel,  
24 the court may adjourn the hearing for a reasonable period to  
25 receive reports or other evidence, if the adjournment is  
26 consistent with the health, safety and best interests of the

1 minor, but in no event shall continuances be granted so that  
2 the dispositional hearing occurs more than 6 months after the  
3 initial removal of a minor from the minor's home. In  
4 scheduling investigations and hearings, the court shall give  
5 priority to proceedings in which a minor has been removed from  
6 the minor's home before an order of disposition has 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  
10 subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section  
11 2-28, which shall be held: (a) within 12 months from the date  
12 temporary custody was taken, (b) if the parental rights of  
13 both parents have been terminated in accordance with the  
14 procedure described in subsection (5) of Section 2-21, within  
15 30 days of the termination of parental rights and appointment  
16 of a guardian with power to consent to adoption, or (c) in  
17 accordance with subsection (2) of Section 2-13.1.

18 (6) When the court declares a child to be a ward of the  
19 court and awards guardianship to the Department of Children  
20 and Family Services: 7

21 (a) The ~~the~~ court shall admonish the parents,  
22 guardian, custodian or responsible relative that the  
23 parents must cooperate with the Department of Children and  
24 Family Services, comply with the terms of the service  
25 plans, and correct the conditions which require the child  
26 to be in care, or risk termination of their parental

1 rights; and

2 (b) the court shall inquire of the parties of any  
3 intent to proceed with termination of parental rights of a  
4 parent:

5 (A) whose identity still remains unknown;

6 (B) whose whereabouts remain unknown; or

7 (C) who was found in default at the adjudicatory  
8 hearing and has not obtained an order setting aside  
9 the default in accordance with Section 2-1301 of the  
10 Code of Civil Procedure.

11 (Source: P.A. 103-22, eff. 8-8-23.)

12 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

16 (a) A minor found to be neglected or abused under  
17 Section 2-3 or dependent under Section 2-4 may be (1)  
18 continued in the custody of the minor's parents, guardian  
19 or legal custodian; (2) placed in accordance with Section  
20 2-27; (3) restored to the custody of the parent, parents,  
21 guardian, or legal custodian, provided the court shall  
22 order the parent, parents, guardian, or legal custodian to  
23 cooperate with the Department of Children and Family  
24 Services and comply with the terms of an after-care plan  
25 or risk the loss of custody of the child and the possible



1 termination of their parental rights; or (4) ordered  
2 partially or completely emancipated in accordance with the  
3 provisions of the Emancipation of Minors Act.

4 If the minor is being restored to the custody of a  
5 parent, legal custodian, or guardian who lives outside of  
6 Illinois, and an Interstate Compact has been requested and  
7 refused, the court may order the Department of Children  
8 and Family Services to arrange for an assessment of the  
9 minor's proposed living arrangement and for ongoing  
10 monitoring of the health, safety, and best interest of the  
11 minor and compliance with any order of protective  
12 supervision entered in accordance with Section 2-24.

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

26 (b) A minor found to be dependent under Section 2-4

1           may be (1) placed in accordance with Section 2-27 or (2)  
2           ordered partially or completely emancipated in accordance  
3           with the provisions of the Emancipation of Minors Act.

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

16          (b-1) A minor between the ages of 18 and 21 may be  
17          placed pursuant to Section 2-27 of this Act if (1) the  
18          court has granted a supplemental petition to reinstate  
19          wardship of the minor pursuant to subsection (2) of  
20          Section 2-33, (2) the court has adjudicated the minor a  
21          ward of the court, permitted the minor to return home  
22          under an order of protection, and subsequently made a  
23          finding that it is in the minor's best interest to vacate  
24          the order of protection and commit the minor to the  
25          Department of Children and Family Services for care and  
26          service, or (3) the court returned the minor to the

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

7 (c) When the court awards guardianship to the  
8 Department of Children and Family Services, the court  
9 shall order: (i) the parents to cooperate with the  
10 Department of Children and Family Services, comply with  
11 the terms of the service plans, and correct the conditions  
12 that require the child to be in care, or risk termination  
13 of their parental rights; and (ii) the Department to make  
14 diligent efforts in family finding and relative engagement  
15 to establish lifelong connections for the child,  
16 consistent with the best interest of the minor, as  
17 required under Section 2-27.3.

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

21 Unless the order of disposition expressly so provides, it  
22 does not operate to close proceedings on the pending petition,  
23 but is subject to modification, not inconsistent with Section  
24 2-28, until final closing and discharge of the proceedings  
25 under Section 2-31.

26 (3) The court also shall enter any other orders necessary

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

1 with the court and served on all parties within 45 days after  
2 the date of the order. The court shall continue the matter  
3 until the new service plan is filed. Except as authorized by  
4 subsection (3.5) of this Section or authorized by law, the  
5 court is not empowered under this Section to order specific  
6 placements, specific services, or specific service providers  
7 to be included in the service plan.

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

1 days prior to the implementation of its determination unless  
2 remaining in the placement poses an imminent risk of harm to  
3 the minor, in which case the Department shall notify the  
4 parties of the placement change in writing immediately  
5 following the implementation of its decision. The Department  
6 shall notify others of the decision to change the minor's  
7 placement as required by Department rule.

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

17 (5) Any order for disposition where the minor is committed  
18 or placed in accordance with Section 2-27 shall provide for  
19 the parents or guardian of the estate of such minor to pay to  
20 the 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. Such  
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 order of disposition requires the minor  
26 to 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.

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

7 (Source: P.A. 102-489, eff. 8-20-21; 103-22, eff. 8-8-23.)

8 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

9 Sec. 2-27. Placement; legal custody or guardianship.

10 (1) If the court determines and puts in writing the  
11 factual basis supporting the determination of whether the  
12 parents, guardian, or legal custodian of a minor adjudged a  
13 ward of the court are unfit or are unable, for some reason  
14 other than financial circumstances alone, to care for,  
15 protect, train or discipline the minor or are unwilling to do  
16 so, and that the health, safety, and best interest of the minor  
17 will be jeopardized if the minor remains in the custody of the  
18 minor's parents, guardian or custodian, the court may at this  
19 hearing and at any later point:

20 (a) place the minor in the custody of a suitable  
21 relative or other person as legal custodian or guardian;

22 (a-5) with the approval of the Department of Children  
23 and Family Services, place the minor in the subsidized  
24 guardianship of a suitable relative or other person as  
25 legal guardian; "subsidized guardianship" has the meaning

1        ascribed to that term in Section 4d of the Children and  
2        Family Services Act ~~means a private guardianship~~  
3        ~~arrangement for children for whom the permanency goals of~~  
4        ~~return home and adoption have been ruled out and who meet~~  
5        ~~the qualifications for subsidized guardianship as defined~~  
6        ~~by the Department of Children and Family Services in~~  
7        ~~administrative rules;~~

8            (b) place the minor under the guardianship of a  
9        probation officer;

10           (c) commit the minor to an agency for care or  
11        placement, except an institution under the authority of  
12        the Department of Corrections or of the Department of  
13        Children and Family Services;

14           (d) on and after the effective date of this amendatory  
15        Act of the 98th General Assembly and before January 1,  
16        2017, commit the minor to the Department of Children and  
17        Family Services for care and service; however, a minor  
18        charged with a criminal offense under the Criminal Code of  
19        1961 or the Criminal Code of 2012 or adjudicated  
20        delinquent shall not be placed in the custody of or  
21        committed to the Department of Children and Family  
22        Services by any court, except (i) a minor less than 16  
23        years of age and committed to the Department of Children  
24        and Family Services under Section 5-710 of this Act, (ii)  
25        a minor under the age of 18 for whom an independent basis  
26        of abuse, neglect, or dependency exists, or (iii) a minor



1 for whom the court has granted a supplemental petition to  
2 reinstate wardship pursuant to subsection (2) of Section  
3 2-33 of this Act. On and after January 1, 2017, commit the  
4 minor to the Department of Children and Family Services  
5 for care and service; however, a minor charged with a  
6 criminal offense under the Criminal Code of 1961 or the  
7 Criminal Code of 2012 or adjudicated delinquent shall not  
8 be placed in the custody of or committed to the Department  
9 of Children and Family Services by any court, except (i) a  
10 minor less than 15 years of age and committed to the  
11 Department of Children and Family Services under Section  
12 5-710 of this Act, (ii) a minor under the age of 18 for  
13 whom an independent basis of abuse, neglect, or dependency  
14 exists, or (iii) a minor for whom the court has granted a  
15 supplemental petition to reinstate wardship pursuant to  
16 subsection (2) of Section 2-33 of this Act. An independent  
17 basis exists when the allegations or adjudication of  
18 abuse, neglect, or dependency do not arise from the same  
19 facts, incident, or circumstances which give rise to a  
20 charge or adjudication of delinquency. The Department  
21 shall be given due notice of the pendency of the action and  
22 the Guardianship Administrator of the Department of  
23 Children and Family Services shall be appointed guardian  
24 of the person of the minor. Whenever the Department seeks  
25 to discharge a minor from its care and service, the  
26 Guardianship Administrator shall petition the court for an

1 order terminating guardianship. The Guardianship  
2 Administrator may designate one or more other officers of  
3 the Department, appointed as Department officers by  
4 administrative order of the Department Director,  
5 authorized to affix the signature of the Guardianship  
6 Administrator to documents affecting the guardian-ward  
7 relationship of children for whom the Guardianship  
8 Administrator has been appointed guardian at such times as  
9 the Guardianship Administrator is unable to perform the  
10 duties of the Guardianship Administrator office. The  
11 signature authorization shall include but not be limited  
12 to matters of consent of marriage, enlistment in the armed  
13 forces, legal proceedings, adoption, major medical and  
14 surgical treatment and application for driver's license.  
15 Signature authorizations made pursuant to the provisions  
16 of this paragraph shall be filed with the Secretary of  
17 State and the Secretary of State shall provide upon  
18 payment of the customary fee, certified copies of the  
19 authorization to any court or individual who requests a  
20 copy.

21 (1.5) In making a determination under this Section, the  
22 court shall also consider whether, based on health, safety,  
23 and the best interests of the minor,

24 (a) appropriate services aimed at family preservation  
25 and family reunification have been unsuccessful in  
26 rectifying the conditions that have led to a finding of

1           unfitness or inability to care for, protect, train, or  
2           discipline the minor, or

3           (b) no family preservation or family reunification  
4           services would be appropriate,

5           and if the petition or amended petition contained an  
6           allegation that the parent is an unfit person as defined in  
7           subdivision (D) of Section 1 of the Adoption Act, and the order  
8           of adjudication recites that parental unfitness was  
9           established by clear and convincing evidence, the court shall,  
10          when appropriate and in the best interest of the minor, enter  
11          an order terminating parental rights and appointing a guardian  
12          with power to consent to adoption in accordance with Section  
13          2-29.

14          When making a placement, the court, wherever possible,  
15          shall require the Department of Children and Family Services  
16          to select a person holding the same religious belief as that of  
17          the minor or a private agency controlled by persons of like  
18          religious faith of the minor and shall require the Department  
19          to otherwise comply with Section 7 of the Children and Family  
20          Services Act in placing the child. In addition, whenever  
21          alternative plans for placement are available, the court shall  
22          ascertain and consider, to the extent appropriate in the  
23          particular case, the views and preferences of the minor.

24          (2) When a minor is placed with a suitable relative or  
25          other person pursuant to item (a) of subsection (1), the court  
26          shall appoint the suitable relative or other person the legal

1     custodian or guardian of the person of the minor. When a minor  
2     is committed to any agency, the court shall appoint the proper  
3     officer or representative thereof as legal custodian or  
4     guardian of the person of the minor. Legal custodians and  
5     guardians of the person of the minor have the respective  
6     rights and duties set forth in subsection (9) of Section 1-3  
7     except as otherwise provided by order of court; but no  
8     guardian of the person may consent to adoption of the minor  
9     unless that authority is conferred upon the guardian in  
10    accordance with Section 2-29. An agency whose representative  
11    is appointed guardian of the person or legal custodian of the  
12    minor may place the minor in any child care facility, but the  
13    facility must be licensed under the Child Care Act of 1969 or  
14    have been approved by the Department of Children and Family  
15    Services as meeting the standards established for such  
16    licensing. No agency may place a minor adjudicated under  
17    Sections 2-3 or 2-4 in a child care facility unless the  
18    placement is in compliance with the rules and regulations for  
19    placement under this Section promulgated by the Department of  
20    Children and Family Services under Section 5 of the Children  
21    and Family Services Act. Like authority and restrictions shall  
22    be conferred by the court upon any probation officer who has  
23    been appointed guardian of the person of a minor.

24         (3) No placement by any probation officer or agency whose  
25    representative is appointed guardian of the person or legal  
26    custodian of a minor may be made in any out of State child care

1 facility unless it complies with the Interstate Compact on the  
2 Placement of Children. Placement with a parent, however, is  
3 not subject to that Interstate Compact.

4 (4) 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 court, as proof of the legal custodian's or  
7 guardian's authority. No other process is necessary as  
8 authority for the keeping of the minor.

9 (5) 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 2-31, or if the minor was previously committed to the  
13 Department of Children and Family Services for care and  
14 service and the court has granted a supplemental petition to  
15 reinstate wardship pursuant to subsection (2) of Section 2-33.

16 (6) (Blank).

17 (Source: P.A. 103-22, eff. 8-8-23.)

18 (705 ILCS 405/2-27.3 new)

19 Sec. 2-27.3. Ongoing family finding and relative  
20 engagement.

21 (a) (1) The Department shall make ongoing diligent efforts,  
22 to the fullest extent consistent with the minor's best  
23 interest, to engage in ongoing family finding and relative  
24 engagement for the purposes of:

25 (A) establishing and supporting lifelong connections

1 for the minor by building a network of sustainable and  
2 supportive relationships that allow the minor to  
3 experience a sense of belonging through enduring,  
4 life-long relationships with family, extended family, and  
5 other caring adults; and

6 (B) for minors who are not in a placement likely to  
7 achieve permanency, identifying relatives who may be  
8 willing and able to care for the minor and provide  
9 permanency for the minor.

10 Efforts to identify, locate, and engage relatives to  
11 assist in supporting and establishing lifelong connections for  
12 the minor are required, consistent with the best interests of  
13 the minor, even if the minor is placed with a relative,  
14 recognizing it may be in the minor's best interest to maintain  
15 connections with different relatives, and a relative's  
16 capacity to provide connection and support, may change over  
17 time.

18 (2) The Department shall provide a report to the court, as  
19 part of the reporting requirement under Section 2-10.1, not  
20 later than 45 days after a minor is placed in the Department's  
21 custody, and with each case plan submitted to the court  
22 thereafter, describing the Department's efforts, to identify,  
23 locate, and engage relatives in a manner consistent with the  
24 minor's best interest. The initial and subsequent reports  
25 shall include:

26 (A) a list of contacts made and the outcome of each

1 contact;

2 (B) for minors requiring placement in a home  
3 environment or a home likely to achieve permanency, the  
4 report shall specify which identified relatives have been  
5 evaluated as placement options, including assessment as a  
6 certified relative caregiver home under Section 3.4 of the  
7 Child Care Act of 1969, and the diligent efforts the  
8 Department is undertaking to remove barriers to placement,  
9 if applicable, with one or more relatives or certified  
10 relative caregivers. If the Department determines  
11 placement with an identified relative willing to serve as  
12 a caregiver for the minor is not in the minor's best  
13 interest, the Department shall include its rationale in  
14 the report; and

15 (C) consistent with the minor's best interest, the  
16 manner in which the relative or person may be engaged with  
17 the minor. Engagement may include, but is not limited to,  
18 in person visitation, virtual visitation, telephone  
19 contact, supervising visits between the minor and a parent  
20 or sibling, assisting with transportation, providing  
21 respite care and providing placement. If the Department  
22 determines an identified relative's engagement with the  
23 minor is not in the minor's best interest, the Department  
24 shall include its rationale in the report.

25 (3) Ongoing family finding and relative engagement efforts  
26 shall continue until excused in whole or in part by the court.

1 The court may order that further efforts to locate and engage  
2 relatives are futile based on efforts already made, or that  
3 efforts to identify, locate, or engage a specified person or  
4 persons is not in the minor's best interests. If a court finds  
5 that family finding and relative engagement efforts should  
6 cease, the court shall enter an order in writing. An order  
7 entered under this Section shall include specific factual  
8 findings supporting the court's decision. The Department may  
9 resume family finding and relative engagement efforts after an  
10 order excusing such efforts has been entered, if the court  
11 determines resuming such efforts are in the minor's best  
12 interest.

13 (4) Within 30 days of (i) an unknown parent's identity  
14 being determined or (ii) a parent's whereabouts becoming known  
15 for the first time, the Department shall complete family  
16 finding and relative engagement efforts in accordance with  
17 paragraph (2.5) of Section 2-10.

18 (b) Nothing in this Section shall be construed to create a  
19 legally enforceable right on behalf of any relative or person  
20 to placement, visitation, or engagement with the minor.

21 (705 ILCS 405/2-28)

22 Sec. 2-28. Court review.

23 (1) The court may require any legal custodian or guardian  
24 of the person appointed under this Act to report periodically  
25 to the court or may cite the legal custodian or guardian into



1 court and require the legal custodian, guardian, or the legal  
2 custodian's or guardian's agency to make a full and accurate  
3 report of the doings of the legal custodian, guardian, or  
4 agency on behalf of the minor. The custodian or guardian,  
5 within 10 days after such citation, or earlier if the court  
6 determines it to be necessary to protect the health, safety,  
7 or welfare of the minor, shall make the report, either in  
8 writing verified by affidavit or orally under oath in open  
9 court, or otherwise as the court directs. Upon the hearing of  
10 the report the court may remove the custodian or guardian and  
11 appoint another in the custodian's or guardian's stead or  
12 restore the minor to the custody of the minor's parents or  
13 former guardian or custodian. However, custody of the minor  
14 shall not be restored to any parent, guardian, or legal  
15 custodian in any case in which the minor is found to be  
16 neglected or abused under Section 2-3 or dependent under  
17 Section 2-4 of this Act, unless the minor can be cared for at  
18 home without endangering the minor's health or safety and it  
19 is in the best interests of the minor, and if such neglect,  
20 abuse, or dependency is found by the court under paragraph (1)  
21 of Section 2-21 of this Act to have come about due to the acts  
22 or omissions or both of such parent, guardian, or legal  
23 custodian, until such time as an investigation is made as  
24 provided in paragraph (5) and a hearing is held on the issue of  
25 the fitness of such parent, guardian, or legal custodian to  
26 care for the minor and the court enters an order that such

1 parent, guardian, or legal custodian is fit to care for the  
2 minor.

3 (1.5) The public agency that is the custodian or guardian  
4 of the minor shall file a written report with the court no  
5 later than 15 days after a minor in the agency's care remains:

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

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

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

13 The report shall explain the steps the agency is taking to  
14 ensure the minor is placed appropriately, how the minor's  
15 needs are being met in the minor's shelter placement, and if a  
16 future placement has been identified by the Department, why  
17 the anticipated placement is appropriate for the needs of the  
18 minor and the anticipated placement date.

19 (1.6) Within 30 days after placing a child in its care in a  
20 qualified residential treatment program, as defined by the  
21 federal Social Security Act, the Department of Children and  
22 Family Services shall prepare a written report for filing with  
23 the court and send copies of the report to all parties. Within  
24 20 days of the filing of the report, or as soon thereafter as  
25 the court's schedule allows but not more than 60 days from the  
26 date of placement, the court shall hold a hearing to consider

1 the Department's report and determine whether placement of the  
2 child in a qualified residential treatment program provides  
3 the most effective and appropriate level of care for the child  
4 in the least restrictive environment and if the placement is  
5 consistent with the short-term and long-term goals for the  
6 child, as specified in the permanency plan for the child. The  
7 court shall approve or disapprove the placement. If  
8 applicable, the requirements of Sections 2-27.1 and 2-27.2  
9 must also be met. The Department's written report and the  
10 court's written determination shall be included in and made  
11 part of the case plan for the child. If the child remains  
12 placed in a qualified residential treatment program, the  
13 Department shall submit evidence at each status and permanency  
14 hearing:

15 (A) ~~(1)~~ demonstrating that on-going assessment of the  
16 strengths and needs of the child continues to support the  
17 determination that the child's needs cannot be met through  
18 placement in a foster family home, that the placement  
19 provides the most effective and appropriate level of care  
20 for the child in the least restrictive, appropriate  
21 environment, and that the placement is consistent with the  
22 short-term and long-term permanency goal for the child, as  
23 specified in the permanency plan for the child;

24 (B) ~~(2)~~ documenting the specific treatment or service  
25 needs that should be met for the child in the placement and  
26 the length of time the child is expected to need the

1 treatment or services; ~~and~~

2 (C) ~~(3)~~ the efforts made by the agency to prepare the  
3 child to return home or to be placed with a fit and willing  
4 relative, a legal guardian, or an adoptive parent, or in a  
5 foster family home; and -

6 (D) beginning July 1, 2025, documenting the  
7 Department's efforts regarding ongoing family finding and  
8 relative engagement required under Section 2-27.3.

9 (1.7) The Department shall file a written report with the  
10 court and send copies of the report to all parties. The report  
11 shall explain the reasonable efforts the agency is taking to  
12 ensure an intensive relative search and engagement strategy is  
13 being used to identify family and other close adults and then  
14 involve them in developing and carrying out a plan for the  
15 emotional and legal permanency of the child. The report shall  
16 list the outcome of contacts made, whether placement options  
17 are being evaluated, including assessment as a certified  
18 relative caregiver home under Section 3.4 of the Child Care  
19 Act of 1969.

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

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

26 The public agency that is the custodian or guardian of the

1 minor, or another agency responsible for the minor's care,  
2 shall ensure that all parties to the permanency hearings are  
3 provided a copy of the most recent service plan prepared  
4 within the prior 6 months at least 14 days in advance of the  
5 hearing. If not contained in the agency's service plan, the  
6 agency shall also include a report setting forth the  
7 following:

8 (A) ~~(i)~~ any special physical, psychological,  
9 educational, medical, emotional, or other needs of the  
10 minor or the minor's family that are relevant to a  
11 permanency or placement determination, and ~~(ii)~~ for any  
12 minor age 16 or over, a written description of the  
13 programs and services that will enable the minor to  
14 prepare for independent living;

15 (B) beginning July 1, 2025, a written description of  
16 ongoing family finding and relative engagement efforts in  
17 accordance with the requirements under Section 2-27.3 the  
18 agency has undertaken since the most recent report to the  
19 court to plan for the emotional and legal permanency of  
20 the minor; ~~If not contained in the agency's service plan,~~  
21 ~~the agency's report shall~~

22 (C) whether ~~specify if~~ a minor is placed in a licensed  
23 child care facility under a corrective plan by the  
24 Department due to concerns impacting the minor's safety  
25 and well-being. The report shall explain the steps the  
26 Department is taking to ensure the safety and well-being

1 of the minor and that the minor's needs are met in the  
2 facility; ~~The agency's written report must~~

3 (D) detail regarding what progress or lack of progress  
4 the parent has made in correcting the conditions requiring  
5 the child to be in care; whether the child can be returned  
6 home without jeopardizing the child's health, safety, and  
7 welfare, ~~and if not,~~ what permanency goal is recommended  
8 to be in the best interests of the child, and the reasons  
9 for the recommendation. If a permanency goal under  
10 paragraph (A), (B), or (B-1) of subsection (2.3) have been  
11 deemed inappropriate and not in the minor's best interest,  
12 the report must include the following information: why the  
13 ~~other permanency goals are not appropriate.~~

14 (i) confirmation that the caseworker has discussed  
15 the permanency options and subsidies available for  
16 guardianship and adoption with the minor's caregivers,  
17 the minor's parents, as appropriate, and has discussed  
18 the available permanency options with the minor in an  
19 age-appropriate manner;

20 (ii) confirmation that the caseworker has  
21 discussed with the minor's caregivers, the minor's  
22 parents, as appropriate, and the minor as  
23 age-appropriate, the distinctions between guardianship  
24 and adoption, including, BUT NOT LIMITED TO, that  
25 guardianship does not REQUIRE termination of the  
26 parent's rights or the consent of the parent;

1           (iii) a description of the stated preferences and  
2           concerns, if any, the minor, the parent as  
3           appropriate, and the caregiver expressed relating to  
4           the options of guardianship and adoption, and the  
5           reasons for the preferences;

6           (iv) if the minor is not currently in a placement  
7           that will provide permanency, identification of all  
8           persons presently willing and able to provide  
9           permanency to the minor through either guardianship or  
10           adoption, and if none, a description of the efforts  
11           made in accordance with Section 2-27.3; and

12           (v) state the recommended permanency goal, why  
13           that goal is recommended, and why the other potential  
14           goals were not recommended.

15           The caseworker must appear and testify at the permanency  
16           hearing. If a permanency hearing has not previously been  
17           scheduled by the court, the moving party shall move for the  
18           setting of a permanency hearing and the entry of an order  
19           within the time frames set forth in this subsection.

20           (2.3) At the permanency hearing, the court shall determine  
21           the permanency goal ~~future status~~ of the child. The court  
22           shall set one of the following permanency goals:

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

25                   (B) The minor will be in short-term care with a  
26                   continued goal to return home within a period not to



1 exceed one year, where the progress of the parent or  
2 parents is substantial giving particular consideration to  
3 the age and individual needs of the minor.

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

15 If the court has determined that goals (A), (B), and  
16 (B-1) are not appropriate and not in the minor's best  
17 interest, the court may select one of the following goals:  
18 (C), (D), (E), (F), or (G) for the minor as appropriate and  
19 based on the best interests of the minor. The court shall  
20 determine the appropriate goal for the minor based on best  
21 interest factors and any considerations outlined in that  
22 goal.

23 (C) The guardianship of the minor shall be transferred  
24 to an individual or couple on a permanent basis. Prior to  
25 changing the goal to guardianship, the court shall  
26 consider the following:

1           (i) whether the agency has discussed adoption and  
2           guardianship with the caregiver and what preference,  
3           if any, the caregiver has as to the permanency goal;

4           (ii) whether the agency has discussed adoption and  
5           guardianship with the minor, as age-appropriate, and  
6           what preference, if any, the minor has as to the  
7           permanency goal;

8           (iii) whether the minor is of sufficient age to  
9           remember the minor's parents and if the child values  
10           this familial identity;

11           (iv) whether the minor is placed in a relative  
12           home as defined in Section 4d of the Children and  
13           Family Services Act or in a certified relative  
14           caregiver home as defined in Section 2.36 of the Child  
15           Care Act of 1969; and

16           (v) whether the parent or parents have been  
17           informed about guardianship and adoption, and what  
18           preferences, if any, the parent or parents have as to  
19           the permanency goal.

20           (D) The minor will be in substitute care pending court  
21           determination on termination of parental rights. Prior to  
22           changing the goal to substitute care pending court  
23           determination on termination of parental rights, the court  
24           shall consider the following:

25           (i) whether the agency has discussed adoption and  
26           guardianship with the caregiver and what preference,

1 if any, the caregiver has as to the permanency goal;

2 (ii) whether the agency has discussed adoption and  
3 guardianship with the minor, as age-appropriate, and  
4 what preference, if any, the minor has as to the  
5 permanency goal;

6 (iii) whether the minor is of sufficient age to  
7 remember the minor's parents and if the child values  
8 this familial identity;

9 (iv) whether the minor is placed in a relative  
10 home as defined in Section 4d of the Children and  
11 Family Services Act, in a certified relative caregiver  
12 home as defined in Section 2.36 of the Child Care Act  
13 of 1969;

14 (v) whether the minor is already placed in a  
15 pre-adoptive home, and if not, whether such a home has  
16 been identified; and

17 (vi) whether the parent or parents have been  
18 informed about guardianship and adoption, and what  
19 preferences, if any, the parent or parents have as to  
20 the permanency goal.

21 (E) ~~(D)~~ Adoption, provided that parental rights have  
22 been terminated or relinquished.

23 ~~(E) The guardianship of the minor will be transferred~~  
24 ~~to an individual or couple on a permanent basis provided~~  
25 ~~that goals (A) through (D) have been deemed inappropriate~~  
26 ~~and not in the child's best interests. The court shall~~

1 ~~confirm that the Department has discussed adoption, if~~  
2 ~~appropriate, and guardianship with the caregiver prior to~~  
3 ~~changing a goal to guardianship.~~

4 (F) Provided that permanency goals (A) through (E)  
5 have been deemed inappropriate and not in the minor's best  
6 interests, the ~~The~~ minor over age 15 will be in substitute  
7 care pending independence. In selecting this permanency  
8 goal, the Department of Children and Family Services may  
9 provide services to enable reunification and to strengthen  
10 the minor's connections with family, fictive kin, and  
11 other responsible adults, provided the services are in the  
12 minor's best interest. The services shall be documented in  
13 the service plan.

14 (G) The minor will be in substitute care because the  
15 minor cannot be provided for in a home environment due to  
16 developmental disabilities or mental illness or because  
17 the minor is a danger to self or others, provided that  
18 goals (A) through (E) ~~(D)~~ have been deemed inappropriate  
19 and not in the child's best interests.

20 In selecting any permanency goal, the court shall indicate  
21 in writing the reasons the goal was selected and why the  
22 preceding goals were deemed inappropriate and not in the  
23 child's best interest. Where the court has selected a  
24 permanency goal other than (A), (B), or (B-1), the Department  
25 of Children and Family Services shall not provide further  
26 reunification services, except as provided in paragraph (F) of

1 this subsection (2.3) ~~(2)~~, but shall provide services  
2 consistent with the goal selected.

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

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

8 (2) The court has deemed all other permanency  
9 goals inappropriate based on the child's best  
10 interest;

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

15 (a) the child does not wish to be adopted or to  
16 be placed in the guardianship of the minor's  
17 relative, certified relative caregiver, or foster  
18 care placement;

19 (b) the child exhibits an extreme level of  
20 need such that the removal of the child from the  
21 minor's placement would be detrimental to the  
22 child; or

23 (c) the child who is the subject of the  
24 permanency hearing has existing close and strong  
25 bonds with a sibling, and achievement of another  
26 permanency goal would substantially interfere with

1 the subject child's sibling relationship, taking  
2 into consideration the nature and extent of the  
3 relationship, and whether ongoing contact is in  
4 the subject child's best interest, including  
5 long-term emotional interest, as compared with the  
6 legal and emotional benefit of permanence;

7 (4) The child has lived with the relative,  
8 certified relative caregiver, or foster parent for at  
9 least one year; and

10 (5) The relative, certified relative caregiver, or  
11 foster parent currently caring for the child is  
12 willing and capable of providing the child with a  
13 stable and permanent environment.

14 (2.4) The court shall set a permanency goal that is in the  
15 best interest of the child. In determining that goal, the  
16 court shall consult with the minor in an age-appropriate  
17 manner regarding the proposed permanency or transition plan  
18 for the minor. The court's determination shall include the  
19 following factors:

20 (A) ~~(1)~~ Age of the child.

21 (B) ~~(2)~~ Options available for permanence, including  
22 both out-of-state and in-state placement options.

23 (C) ~~(3)~~ Current placement of the child and the intent  
24 of the family regarding subsidized guardianship and  
25 adoption.

26 (D) ~~(4)~~ Emotional, physical, and mental status or

1 condition of the child.

2 (E) ~~(5)~~ Types of services previously offered and  
3 whether or not the services were successful and, if not  
4 successful, the reasons the services failed.

5 (F) ~~(6)~~ Availability of services currently needed and  
6 whether the services exist.

7 (G) ~~(7)~~ Status of siblings of the minor.

8 (H) If the minor is not currently in a placement  
9 likely to achieve permanency, whether there is an  
10 identified and willing potential permanent caregiver for  
11 the minor, and if so, that potential permanent caregiver's  
12 intent regarding guardianship and adoption.

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

22 The court shall make findings as to whether, in violation  
23 of Section 8.2 of the Abused and Neglected Child Reporting  
24 Act, any portion of the service plan compels a child or parent  
25 to engage in any activity or refrain from any activity that is  
26 not reasonably related to remedying a condition or conditions

1 that gave rise or which could give rise to any finding of child  
2 abuse or neglect. The services contained in the service plan  
3 shall include services reasonably related to remedy the  
4 conditions that gave rise to removal of the child from the home  
5 of the child's parents, guardian, or legal custodian or that  
6 the court has found must be remedied prior to returning the  
7 child home. Any tasks the court requires of the parents,  
8 guardian, or legal custodian or child prior to returning the  
9 child home must be reasonably related to remedying a condition  
10 or conditions that gave rise to or which could give rise to any  
11 finding of child abuse or neglect.

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

20 The court shall review the Sibling Contact Support Plan  
21 developed or modified under subsection (f) of Section 7.4 of  
22 the Children and Family Services Act, if applicable. If the  
23 Department has not convened a meeting to develop or modify a  
24 Sibling Contact Support Plan, or if the court finds that the  
25 existing Plan is not in the child's best interest, the court  
26 may enter an order requiring the Department to develop,



1 modify, or implement a Sibling Contact Support Plan, or order  
2 mediation.

3 Beginning July 1, 2025, the court shall review the Ongoing  
4 Family Finding and Relative Engagement Plan required under  
5 Section 2-27.3. If the court finds that the plan is not in the  
6 child's best interest, the court shall enter specific factual  
7 findings and order the Department to modify the plan  
8 consistent with the court's findings.

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

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

1 providers to be included in the service plan.

2 A guardian or custodian appointed by the court pursuant to  
3 this Act shall file updated case plans with the court every 6  
4 months.

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

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

1 days prior to the implementation of its determination unless  
2 remaining in the placement poses an imminent risk of harm to  
3 the minor, in which case the Department shall notify the  
4 parties of the placement change in writing immediately  
5 following the implementation of its decision. The Department  
6 shall notify others of the decision to change the minor's  
7 placement as required by Department rule.

8 (3) Following the permanency hearing, the court shall  
9 enter a written order that includes the determinations  
10 required under subsections ~~subsection~~ (2) and (2.3) of this  
11 Section and sets forth the following:

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

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

20 (i) (Blank).

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

1           (iii) Whether the minor's current or planned  
2 placement is necessary, and appropriate to the plan  
3 and goal, recognizing the right of minors to the least  
4 restrictive (most family-like) setting available and  
5 in close proximity to the parents' home consistent  
6 with the health, safety, best interest, and special  
7 needs of the minor and, if the minor is placed  
8 out-of-state, whether the out-of-state placement  
9 continues to be appropriate and consistent with the  
10 health, safety, and best interest of the minor.

11           (iv) (Blank).

12           (v) (Blank).

13           (4) The minor or any person interested in the minor may  
14 apply to the court for a change in custody of the minor and the  
15 appointment of a new custodian or guardian of the person or for  
16 the restoration of the minor to the custody of the minor's  
17 parents or former guardian or custodian.

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

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

24           (b) The State's Attorney may file a motion to  
25 terminate parental rights of any parent who has failed to  
26 make reasonable efforts to correct the conditions which

1 led to the removal of the child or reasonable progress  
2 toward the return of the child, as defined in subdivision  
3 (D)(m) of Section 1 of the Adoption Act or for whom any  
4 other unfitness ground for terminating parental rights as  
5 defined in subdivision (D) of Section 1 of the Adoption  
6 Act exists.

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

23 Custody of the minor shall not be restored to any parent,  
24 guardian, or legal custodian in any case in which the minor is  
25 found to be neglected or abused under Section 2-3 or dependent  
26 under Section 2-4 of this Act, unless the minor can be cared

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

1           When the court orders a child restored to the custody of  
2 the parent or parents, the court shall order the parent or  
3 parents to cooperate with the Department of Children and  
4 Family Services and comply with the terms of an after-care  
5 plan, or risk the loss of custody of the child and possible  
6 termination of their parental rights. The court may also enter  
7 an order of protective supervision in accordance with Section  
8 2-24.

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

18           (5) Whenever a parent, guardian, or legal custodian files  
19 a motion for restoration of custody of the minor, and the minor  
20 was adjudicated neglected, abused, or dependent as a result of  
21 physical abuse, the court shall cause to be made an  
22 investigation as to whether the movant has ever been charged  
23 with or convicted of any criminal offense which would indicate  
24 the likelihood of any further physical abuse to the minor.  
25 Evidence of such criminal convictions shall be taken into  
26 account in determining whether the minor can be cared for at

1 home without endangering the minor's health or safety and  
2 fitness of the parent, guardian, or legal custodian.

3 (a) Any agency of this State or any subdivision  
4 thereof shall cooperate with the agent of the court in  
5 providing any information sought in the investigation.

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

13 (c) All information obtained from any investigation  
14 shall be confidential as provided in Section 5-150 of this  
15 Act.

16 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;  
17 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.  
18 6-30-23; 103-171, eff. 1-1-24; revised 12-15-23.)

19 (705 ILCS 405/2-28.1)

20 Sec. 2-28.1. Permanency hearings; before hearing officers.

21 (a) The chief judge of the circuit court may appoint  
22 hearing officers to conduct the permanency hearings set forth  
23 in subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section  
24 2-28, in accordance with the provisions of this Section. The  
25 hearing officers shall be attorneys with at least 3 years



1 experience in child abuse and neglect or permanency planning  
2 and in counties with a population of 3,000,000 or more, any  
3 hearing officer appointed after September 1, 1997, must be an  
4 attorney admitted to practice for at least 7 years. Once  
5 trained by the court, hearing officers shall be authorized to  
6 do the following:

7 (1) Conduct a fair and impartial hearing.

8 (2) Summon and compel the attendance of witnesses.

9 (3) Administer the oath or affirmation and take  
10 testimony under oath or affirmation.

11 (4) Require the production of evidence relevant to the  
12 permanency hearing to be conducted. That evidence may  
13 include, but need not be limited to case plans, social  
14 histories, medical and psychological evaluations, child  
15 placement histories, visitation records, and other  
16 documents and writings applicable to those items.

17 (5) Rule on the admissibility of evidence using the  
18 standard applied at a dispositional hearing under Section  
19 2-22 of this Act.

20 (6) When necessary, cause notices to be issued  
21 requiring parties, the public agency that is custodian or  
22 guardian of the minor, or another agency responsible for  
23 the minor's care to appear either before the hearing  
24 officer or in court.

25 (7) Analyze the evidence presented to the hearing  
26 officer and prepare written recommended orders, including

1 findings of fact, based on the evidence.

2 (8) Prior to the hearing, conduct any pre-hearings  
3 that may be necessary.

4 (9) Conduct in camera interviews with children when  
5 requested by a child or the child's guardian ad litem.

6 In counties with a population of 3,000,000 or more, hearing  
7 officers shall also be authorized to do the following:

8 (i) Accept specific consents for adoption or  
9 surrenders of parental rights from a parent or parents.

10 (ii) Conduct hearings on the progress made toward the  
11 permanency goal set for the minor.

12 (iii) Perform other duties as assigned by the court.

13 (b) The hearing officer shall consider evidence and  
14 conduct the permanency hearings as set forth in subsections  
15 (2), (2.3), (2.4), and (3) ~~(2) and (3)~~ of Section 2-28 in  
16 accordance with the standards set forth therein. The hearing  
17 officer shall assure that a verbatim record of the proceedings  
18 is made and retained for a period of 12 months or until the  
19 next permanency hearing, whichever date is later, and shall  
20 direct to the clerk of the court all documents and evidence to  
21 be made part of the court file. The hearing officer shall  
22 inform the participants of their individual rights and  
23 responsibilities. The hearing officer shall identify the  
24 issues to be reviewed under subsections (2), (2.3), and (2.4)  
25 ~~subsection (2)~~ of Section 2-28, consider all relevant facts,  
26 and receive or request any additional information necessary to

1 make recommendations to the court.

2 If a party fails to appear at the hearing, the hearing  
3 officer may proceed to the permanency hearing with the parties  
4 present at the hearing. The hearing officer shall specifically  
5 note for the court the absence of any parties. If all parties  
6 are present at the permanency hearing, and the parties and the  
7 Department are in agreement that the service plan and  
8 permanency goal are appropriate or are in agreement that the  
9 permanency goal for the child has been achieved, the hearing  
10 officer shall prepare a recommended order, including findings  
11 of fact, to be submitted to the court, and all parties and the  
12 Department shall sign the recommended order at the time of the  
13 hearing. The recommended order will then be submitted to the  
14 court for its immediate consideration and the entry of an  
15 appropriate order.

16 The court may enter an order consistent with the  
17 recommended order without further hearing or notice to the  
18 parties, may refer the matter to the hearing officer for  
19 further proceedings, or may hold such additional hearings as  
20 the court deems necessary. All parties present at the hearing  
21 and the Department shall be tendered a copy of the court's  
22 order at the conclusion of the hearing.

23 (c) If one or more parties are not present at the  
24 permanency hearing, or any party or the Department of Children  
25 and Family Services objects to the hearing officer's  
26 recommended order, including any findings of fact, the hearing

1 officer shall set the matter for a judicial determination  
2 within 30 days of the permanency hearing for the entry of the  
3 recommended order or for receipt of the parties' objections.  
4 Any objections shall be in writing and identify the specific  
5 findings or recommendations that are contested, the basis for  
6 the objections, and the evidence or applicable law supporting  
7 the objection. The recommended order and its contents may not  
8 be disclosed to anyone other than the parties and the  
9 Department or other agency unless otherwise specifically  
10 ordered by a judge of the court.

11 Following the receipt of objections consistent with this  
12 subsection from any party or the Department of Children and  
13 Family Services to the hearing officer's recommended orders,  
14 the court shall make a judicial determination of those  
15 portions of the order to which objections were made, and shall  
16 enter an appropriate order. The court may refuse to review any  
17 objections that fail to meet the requirements of this  
18 subsection.

19 (d) The following are judicial functions and shall be  
20 performed only by a circuit judge or associate judge:

21 (1) Review of the recommended orders of the hearing  
22 officer and entry of orders the court deems appropriate.

23 (2) Conduct of judicial hearings on all pre-hearing  
24 motions and other matters that require a court order and  
25 entry of orders as the court deems appropriate.

26 (3) Conduct of judicial determinations on all matters

1 in which the parties or the Department of Children and  
2 Family Services disagree with the hearing officer's  
3 recommended orders under subsection (3).

4 (4) Issuance of rules to show cause, conduct of  
5 contempt proceedings, and imposition of appropriate  
6 sanctions or relief.

7 (Source: P.A. 89-17, eff. 5-31-95; 90-27, eff. 1-1-98; 90-28,  
8 eff. 1-1-98; 90-87, eff. 9-1-97; 90-608, eff. 6-30-98; 90-655,  
9 eff. 7-30-98.)

10 (705 ILCS 405/5-745)

11 Sec. 5-745. Court review.

12 (1) The court may require any legal custodian or guardian  
13 of the person appointed under this Act, including the  
14 Department of Juvenile Justice for youth committed under  
15 Section 5-750 of this Act, to report periodically to the court  
16 or may cite the legal custodian or guardian into court and  
17 require the legal custodian or guardian, or the legal  
18 custodian's or guardian's agency, to make a full and accurate  
19 report of the doings of the legal custodian, guardian, or  
20 agency on behalf of the minor, including efforts to secure  
21 post-release placement of the youth after release from the  
22 Department's facilities. The legal custodian or guardian,  
23 within 10 days after the 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 legal custodian  
2 or guardian and appoint another in the legal custodian's or  
3 guardian's stead or restore the minor to the custody of the  
4 minor's parents or former guardian or legal custodian.

5 (2) If the Department of Children and Family Services is  
6 appointed legal custodian or guardian of a minor under Section  
7 5-740 of this Act, the Department of Children and Family  
8 Services shall file updated case plans with the court every 6  
9 months. Every agency which has guardianship of a child shall  
10 file a supplemental petition for court review, or review by an  
11 administrative body appointed or approved by the court and  
12 further order within 18 months of the sentencing order and  
13 each 18 months thereafter. The petition shall state facts  
14 relative to the child's present condition of physical, mental  
15 and emotional health as well as facts relative to the minor's  
16 present custodial or foster care. The petition shall be set  
17 for hearing and the clerk shall mail 10 days notice of the  
18 hearing by certified mail, return receipt requested, to the  
19 person or agency having the physical custody of the child, the  
20 minor and other interested parties unless a written waiver of  
21 notice is filed with the petition.

22 If the minor is in the custody of the Illinois Department  
23 of Children and Family Services, pursuant to an order entered  
24 under this Article, the court shall conduct permanency  
25 hearings as set out in subsections (1), (2), (2.3), (2.4), and  
26 (3) of Section 2-28 of Article II of this Act.

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

4 (3) The minor or any person interested in the minor may  
5 apply to the court for a change in custody of the minor and the  
6 appointment of a new custodian or guardian of the person or for  
7 the restoration of the minor to the custody of the minor's  
8 parents or former guardian or custodian. In the event that the  
9 minor has attained 18 years of age and the guardian or  
10 custodian petitions the court for an order terminating the  
11 minor's guardianship or custody, guardianship or legal custody  
12 shall terminate automatically 30 days after the receipt of the  
13 petition unless the court orders otherwise. No legal custodian  
14 or guardian of the person may be removed without the legal  
15 custodian's or guardian's consent until given notice and an  
16 opportunity to be heard by the court.

17 (4) If the minor is committed to the Department of  
18 Juvenile Justice under Section 5-750 of this Act, the  
19 Department shall notify the court in writing of the occurrence  
20 of any of the following:

21 (a) a critical incident involving a youth committed to  
22 the Department; as used in this paragraph (a), "critical  
23 incident" means any incident that involves a serious risk  
24 to the life, health, or well-being of the youth and  
25 includes, but is not limited to, an accident or suicide  
26 attempt resulting in serious bodily harm or

1 hospitalization, psychiatric hospitalization, alleged or  
2 suspected abuse, or escape or attempted escape from  
3 custody, filed within 10 days of the occurrence;

4 (b) a youth who has been released by the Prisoner  
5 Review Board but remains in a Department facility solely  
6 because the youth does not have an approved aftercare  
7 release host site, filed within 10 days of the occurrence;

8 (c) a youth, except a youth who has been adjudicated a  
9 habitual or violent juvenile offender under Section 5-815  
10 or 5-820 of this Act or committed for first degree murder,  
11 who has been held in a Department facility for over one  
12 consecutive year; or

13 (d) if a report has been filed under paragraph (c) of  
14 this subsection, a supplemental report shall be filed  
15 every 6 months thereafter.

16 The notification required by this subsection (4) shall contain  
17 a brief description of the incident or situation and a summary  
18 of the youth's current physical, mental, and emotional health  
19 and the actions the Department took in response to the  
20 incident or to identify an aftercare release host site, as  
21 applicable. Upon receipt of the notification, the court may  
22 require the Department to make a full report under subsection  
23 (1) of this Section.

24 (5) With respect to any report required to be filed with  
25 the court under this Section, the Independent Juvenile  
26 Ombudsperson shall provide a copy to the minor's court



1 appointed guardian ad litem, if the Department has received  
2 written notice of the appointment, and to the minor's  
3 attorney, if the Department has received written notice of  
4 representation from the attorney. If the Department has a  
5 record that a guardian has been appointed for the minor and a  
6 record of the last known address of the minor's court  
7 appointed guardian, the Independent Juvenile Ombudsperson  
8 shall send a notice to the guardian that the report is  
9 available and will be provided by the Independent Juvenile  
10 Ombudsperson upon request. If the Department has no record  
11 regarding the appointment of a guardian for the minor, and the  
12 Department's records include the last known addresses of the  
13 minor's parents, the Independent Juvenile Ombudsperson shall  
14 send a notice to the parents that the report is available and  
15 will be provided by the Independent Juvenile Ombudsperson upon  
16 request.

17 (Source: P.A. 103-22, eff. 8-8-23.)

18 Section 20. The Adoption Act is amended by changing  
19 Sections 4.1 and 15.1 as follows:

20 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

21 Sec. 4.1. Adoption between multiple jurisdictions. It is  
22 the public policy of this State to promote child welfare in  
23 adoption between multiple jurisdictions by implementing  
24 standards that foster permanency for children in an

1 expeditious manner while considering the best interests of the  
2 child as paramount. Ensuring that standards for  
3 interjurisdictional adoption are clear and applied  
4 consistently, efficiently, and reasonably will promote the  
5 best interests of the child in finding a permanent home.

6 (a) The Department of Children and Family Services shall  
7 promulgate rules regarding the approval and regulation of  
8 agencies providing, in this State, adoption services, as  
9 defined in Section 2.24 of the Child Care Act of 1969, which  
10 shall include, but not be limited to, a requirement that any  
11 agency shall be licensed in this State as a child welfare  
12 agency as defined in Section 2.08 of the Child Care Act of  
13 1969. Any out-of-state agency, if not licensed in this State  
14 as a child welfare agency, must obtain the approval of the  
15 Department in order to act as a sending agency, as defined in  
16 Section 1 of the Interstate Compact on Placement of Children  
17 Act, seeking to place a child into this State through a  
18 placement subject to the Interstate Compact on the Placement  
19 of Children. An out-of-state agency, if not licensed in this  
20 State as a child welfare agency, is prohibited from providing  
21 in this State adoption services, as defined by Section 2.24 of  
22 the Child Care Act of 1969; shall comply with Section 12C-70 of  
23 the Criminal Code of 2012; and shall provide all of the  
24 following to the Department:

25 (1) A copy of the agency's current license or other  
26 form of authorization from the approving authority in the

1 agency's state. If no license or authorization is issued,  
2 the agency must provide a reference statement, from the  
3 approving authority, stating that the agency is authorized  
4 to place children in foster care or adoption or both in its  
5 jurisdiction.

6 (2) A description of the program, including home  
7 studies, placements, and supervisions, that the child  
8 welfare agency conducts within its geographical area, and,  
9 if applicable, adoptive placements and the finalization of  
10 adoptions. The child welfare agency must accept continued  
11 responsibility for placement planning and replacement if  
12 the placement fails.

13 (3) Notification to the Department of any significant  
14 child welfare agency changes after approval.

15 (4) Any other information the Department may require.

16 The rules shall also provide that any agency that places  
17 children for adoption in this State may not, in any policy or  
18 practice relating to the placement of children for adoption,  
19 discriminate against any child or prospective adoptive parent  
20 on the basis of race.

21 (a-5) (Blank).

22 (b) Interstate adoptions.

23 (1) All interstate adoption placements under this Act  
24 shall comply with the Child Care Act of 1969 and the  
25 Interstate Compact on the Placement of Children. The  
26 placement of children with relatives by the Department of

1 Children and Family Services shall also comply with  
2 subsections (b) and (b-5) ~~subsection (b)~~ of Section 7 of  
3 the Children and Family Services Act. The Department may  
4 promulgate rules to implement interstate adoption  
5 placements, including those requirements set forth in this  
6 Section.

7 (2) If an adoption is finalized prior to bringing or  
8 sending a child to this State, compliance with the  
9 Interstate Compact on the Placement of Children is not  
10 required.

11 (3) Approval requirements. The Department shall  
12 promulgate procedures for interstate adoption placements  
13 of children under this Act. No later than September 24,  
14 2017 (30 days after the effective date of Public Act  
15 100-344), the Department shall distribute a written list  
16 of all preadoption approval requirements to all Illinois  
17 licensed child welfare agencies performing adoption  
18 services, and all out-of-state agencies approved under  
19 this Section, and shall post the requirements on the  
20 Department's website. The Department may not require any  
21 further preadoption requirements other than those set  
22 forth in the procedures required under this paragraph. The  
23 procedures shall reflect the standard of review as stated  
24 in the Interstate Compact on the Placement of Children and  
25 approval shall be given by the Department if the placement  
26 appears not to be contrary to the best interests of the

1 child.

2 (4) Time for review and decision. In all cases where  
3 the child to be placed is not a youth in care in Illinois  
4 or any other state, a provisional or final approval for  
5 placement shall be provided in writing from the Department  
6 in accordance with the Interstate Compact on the Placement  
7 of Children. Approval or denial of the placement must be  
8 given by the Department as soon as practicable, but in no  
9 event more than 3 business days of the receipt of the  
10 completed referral packet by the Department's Interstate  
11 Compact Administrator. Receipt of the packet shall be  
12 evidenced by the packet's arrival at the address  
13 designated by the Department to receive such referrals.  
14 The written decision to approve or deny the placement  
15 shall be communicated in an expeditious manner, including,  
16 but not limited to, electronic means referenced in  
17 paragraph (b)(7) of this Section, and shall be provided to  
18 all Illinois licensed child welfare agencies involved in  
19 the placement, all out-of-state child placing agencies  
20 involved in the placement, and all attorneys representing  
21 the prospective adoptive parent or biological parent. If,  
22 during its initial review of the packet, the Department  
23 believes there are any incomplete or missing documents, or  
24 missing information, as required in paragraph (b)(3), the  
25 Department shall, as soon as practicable, but in no event  
26 more than 2 business days of receipt of the packet,

1       communicate a list of any incomplete or missing documents  
2       and information to all Illinois licensed child welfare  
3       agencies involved in the placement, all out-of-state child  
4       placing agencies involved in the placement, and all  
5       attorneys representing the adoptive parent or biological  
6       parent. This list shall be communicated in an expeditious  
7       manner, including, but not limited to, electronic means  
8       referenced in paragraph (b)(7) of this Section.

9       (5) Denial of approval. In all cases where the child  
10      to be placed is not a youth in the care of any state, if  
11      the Department denies approval of an interstate placement,  
12      the written decision referenced in paragraph (b)(4) of  
13      this Section shall set forth the reason or reasons why the  
14      placement was not approved and shall reference which  
15      requirements under paragraph (b)(3) of this Section were  
16      not met. The written decision shall be communicated in an  
17      expeditious manner, including, but not limited to,  
18      electronic means referenced in paragraph (b)(7) of this  
19      Section, to all Illinois licensed child welfare agencies  
20      involved in the placement, all out-of-state child placing  
21      agencies involved in the placement, and all attorneys  
22      representing the prospective adoptive parent or biological  
23      parent.

24      (6) Provisional approval. Nothing in paragraphs (b)(3)  
25      through (b)(5) of this Section shall preclude the  
26      Department from issuing provisional approval of the

1 placement pending receipt of any missing or incomplete  
2 documents or information.

3 (7) Electronic communication. All communications  
4 concerning an interstate placement made between the  
5 Department and an Illinois licensed child welfare agency,  
6 an out-of-state child placing agency, and attorneys  
7 representing the prospective adoptive parent or biological  
8 parent, including the written communications referenced in  
9 this Section, may be made through any type of electronic  
10 means, including, but not limited to, electronic mail.

11 (c) Intercountry adoptions. The adoption of a child, if  
12 the child is a habitual resident of a country other than the  
13 United States and the petitioner is a habitual resident of the  
14 United States, or, if the child is a habitual resident of the  
15 United States and the petitioner is a habitual resident of a  
16 country other than the United States, shall comply with the  
17 Intercountry Adoption Act of 2000, as amended, and the  
18 Immigration and Nationality Act, as amended. In the case of an  
19 intercountry adoption that requires oversight by the adoption  
20 services governed by the Intercountry Adoption Universal  
21 Accreditation Act of 2012, this State shall not impose any  
22 additional preadoption requirements.

23 (d) (Blank).

24 (e) Re-adoption after an intercountry adoption.

25 (1) Any time after a minor child has been adopted in a  
26 foreign country and has immigrated to the United States,

1 the adoptive parent or parents of the child may petition  
2 the court for a judgment of adoption to re-adopt the child  
3 and confirm the foreign adoption decree.

4 (2) The petitioner must submit to the court one or  
5 more of the following to verify the foreign adoption:

6 (i) an immigrant visa for the child issued by  
7 United States Citizenship and Immigration Services of  
8 the U.S. Department of Homeland Security that was  
9 valid at the time of the child's immigration;

10 (ii) a decree, judgment, certificate of adoption,  
11 adoption registration, or equivalent court order,  
12 entered or issued by a court of competent jurisdiction  
13 or administrative body outside the United States,  
14 establishing the relationship of parent and child by  
15 adoption; or

16 (iii) such other evidence deemed satisfactory by  
17 the court.

18 (3) The child's immigrant visa shall be prima facie  
19 proof that the adoption was established in accordance with  
20 the laws of the foreign jurisdiction and met United States  
21 requirements for immigration.

22 (4) If the petitioner submits documentation that  
23 satisfies the requirements of paragraph (2), the court  
24 shall not appoint a guardian ad litem for the minor who is  
25 the subject of the proceeding, shall not require any  
26 further termination of parental rights of the child's



1 biological parents, nor shall it require any home study,  
2 investigation, post-placement visit, or background check  
3 of the petitioner.

4 (5) The petition may include a request for change of  
5 the child's name and any other request for specific relief  
6 that is in the best interests of the child. The relief may  
7 include a request for a revised birth date for the child if  
8 supported by evidence from a medical or dental  
9 professional attesting to the appropriate age of the child  
10 or other collateral evidence.

11 (6) Two adoptive parents who adopted a minor child  
12 together in a foreign country while married to one another  
13 may file a petition for adoption to re-adopt the child  
14 jointly, regardless of whether their marriage has been  
15 dissolved. If either parent whose marriage was dissolved  
16 has subsequently remarried or entered into a civil union  
17 with another person, the new spouse or civil union partner  
18 shall not join in the petition to re-adopt the child,  
19 unless the new spouse or civil union partner is seeking to  
20 adopt the child. If either adoptive parent does not join  
21 in the petition, he or she must be joined as a party  
22 defendant. The defendant parent's failure to participate  
23 in the re-adoption proceeding shall not affect the  
24 existing parental rights or obligations of the parent as  
25 they relate to the minor child, and the parent's name  
26 shall be placed on any subsequent birth record issued for

1 the child as a result of the re-adoption proceeding.

2 (7) An adoptive parent who adopted a minor child in a  
3 foreign country as an unmarried person may file a petition  
4 for adoption to re-adopt the child as a sole petitioner,  
5 even if the adoptive parent has subsequently married or  
6 entered into a civil union.

7 (8) If one of the adoptive parents who adopted a minor  
8 child dies prior to a re-adoption proceeding, the deceased  
9 parent's name shall be placed on any subsequent birth  
10 record issued for the child as a result of the re-adoption  
11 proceeding.

12 (Source: P.A. 103-501, eff. 1-1-24.)

13 (750 ILCS 50/15.1) (from Ch. 40, par. 1519.1)

14 Sec. 15.1. (a) Any person over the age of 18, who has cared  
15 for a child for a continuous period of one year or more as a  
16 foster parent licensed under the Child Care Act of 1969 to  
17 operate a foster family home, as a certified relative  
18 caregiver as defined in Section 2.37 of the Child Care Act of  
19 1969, or as a relative caregiver as defined in Section 4d of  
20 the Children and Family Services Act, may apply to the child's  
21 guardian with the power to consent to adoption, for such  
22 guardian's consent.

23 (b) Such guardian shall give preference and first  
24 consideration to that application over all other applications  
25 for adoption of the child but the guardian's final decision

1 shall be based on the welfare and best interest of the child.  
2 In arriving at this decision, the guardian shall consider all  
3 relevant factors including but not limited to:

4 (1) the wishes of the child;

5 (2) the interaction and interrelationship of the child  
6 with the applicant to adopt the child;

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

9 (4) the wishes of the child's parent as expressed in  
10 writing prior to that parent's execution of a consent or  
11 surrender for adoption;

12 (5) the child's adjustment to the child's ~~his~~ present  
13 home, school and community;

14 (6) the mental and physical health of all individuals  
15 involved;

16 (7) the family ties between the child and the  
17 applicant to adopt the child and the value of preserving  
18 family ties between the child and the child's relatives,  
19 including siblings;

20 (8) the background, age and living arrangements of the  
21 applicant to adopt the child;

22 (9) the criminal background check report presented to  
23 the court as part of the investigation required under  
24 Section 6 of this Act.

25 (c) The final determination of the propriety of the  
26 adoption shall be within the sole discretion of the court,

1 which shall base its decision on the welfare and best interest  
2 of the child. In arriving at this decision, the court shall  
3 consider all relevant factors including but not limited to the  
4 factors in subsection (b).

5 (d) If the court specifically finds that the guardian has  
6 abused the guardian's ~~his~~ discretion by withholding consent to  
7 an adoption in violation of the child's welfare and best  
8 interests, then the court may grant an adoption, after all of  
9 the other provisions of this Act have been complied with, with  
10 or without the consent of the guardian with power to consent to  
11 adoption. If the court specifically finds that the guardian  
12 has abused the guardian's ~~his~~ discretion by granting consent  
13 to an adoption in violation of the child's welfare and best  
14 interests, then the court may deny an adoption even though the  
15 guardian with power to consent to adoption has consented to  
16 it.

17 (Source: P.A. 90-608, eff. 6-30-98.)

18 Section 99. Effective date.

19 (a) This Section and the amendatory changes made by this  
20 Act to Sections 1-3, 1-5, 2-13, 2-21, 2-27, and 2-28 of the  
21 Juvenile Court Act of 1987 take effect upon becoming law.

22 (b) The amendatory changes made by this Act to the  
23 following take effect on January 1, 2025:

24 (1) The Child Care Act of 1969.

25 (2) The Adoption Act.

1           (3) Sections 4d, 5, 6a, 7, 7.3, 46, and 55 of the  
2 Children and Family Services Act.

3           (c) The amendatory changes made by this Act to Sections  
4 2-10, 2-22, 2-23, and 2-27.3 of the Juvenile Court Act of 1987  
5 take effect on July 1, 2025."