



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 caregiver is appointed as a plenary guardian of the person of
17 a minor exiting the foster care system, who receives
18 guardianship assistance program payments. Payments may be
19 funded through State funds, federal funds, or both State and
20 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 who
15 alleges a violation of subsection (j-5) of this Section. An
16 appeal of a decision concerning a change in the placement of a
17 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 include 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 caregiver home as
9 defined in Section 2.37 of the Child Care Act of 1969, the
10 Department shall ensure that the background screening meets
11 the standards required under subsection (c) of Section 3.4 of
12 the Child Care 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. No later than January 1, 2025, the Department
17 shall adopt rules or revise existing rules to effectuate
18 the changes made to this subsection (v-4).

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

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

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

26 (y) Beginning on July 22, 2010 (the effective date of

1 Public Act 96-1189), a child with a disability who receives
2 residential and educational services from the Department shall
3 be eligible to receive transition services in accordance with
4 Article 14 of the School Code from the age of 14.5 through age
5 21, inclusive, notwithstanding the child's residential
6 services arrangement. For purposes of this subsection, "child
7 with a disability" means a child with a disability as defined
8 by the federal Individuals with Disabilities Education
9 Improvement Act of 2004.

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

1 Department of Children and Family Services.

2 For purposes of this subsection:

3 "Background information" means all of the following:

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

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

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

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

24 "Department applicant" means an individual who has
25 conditional Department full-time or part-time work, a
26 contractor, an individual used to replace or supplement staff,

1 an academic intern, a volunteer in Department offices or on
2 Department contracts, a work-study student, an individual or
3 entity licensed by the Department, or an unlicensed service
4 provider who works as a condition of a contract or an agreement
5 and whose work may bring the unlicensed service provider into
6 contact with Department clients or client records.

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

10 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

11 Sec. 6a. Case plan.

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

1 be reviewed and updated every 6 months. The Department shall
2 ensure that incarcerated parents are able to participate in
3 case plan reviews via teleconference or videoconference. Where
4 appropriate, the case plan shall include recommendations
5 concerning alcohol or drug abuse evaluation.

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

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

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

1 Sec. 7. Placement of children; considerations.

2 (a) In placing any child under this Act, the Department
3 shall place the child, as far as possible, in the care and
4 custody of some individual holding the same religious belief
5 as the parents of the child, or with some child care facility
6 which is operated by persons of like religious faith as the
7 parents of such child.

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

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

26 When the Department first assumes custody of a child, in

1 placing that child under this Act, the Department shall make
2 reasonable efforts to identify, locate, and provide notice to
3 all adult grandparents and other adult relatives of the child
4 who are ready, willing, and able to care for the child. At a
5 minimum, these diligent efforts shall be renewed each time the
6 child requires a placement change and it is appropriate for
7 the child to be cared for in a home environment. The Department
8 must document its efforts to identify, locate, and provide
9 notice to such potential relative placements and maintain the
10 documentation in the child's case file. Beginning July 1,
11 2025, the Department shall complete the following initial
12 family finding and relative engagement efforts:

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

1 information regarding the location of the child's parents,
2 alleged parents, and adult relatives.

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

24 (2) In accordance with Section 471(a)(29) of the
25 Social Security Act, the Department shall make diligent
26 efforts to provide all adult relatives who are located

1 with written notification and oral notification, in person
2 or by telephone, of all the following information:

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

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

24 No later than July 1, 2025, the Department shall adopt or
25 amend existing rules to implement the requirements of this
26 subsection, including what constitutes "diligent efforts" and

1 when exceptions, consistent with federal law, are appropriate.

2 (b-5) (1) If the Department determines that a placement
3 with any identified relative is not in the child's best
4 interests or that the relative does not meet the requirements
5 to be a relative caregiver, as set forth in Department rules or
6 by statute, the Department must document the basis for that
7 decision, ~~and~~ maintain the documentation in the child's case
8 file, inform the identified relative of the relative's right
9 to reconsideration of the decision to deny placement with the
10 identified relative, provide the identified relative with a
11 description of the reconsideration process established in
12 accordance with subsection (o) of Section 5 of this Act, and
13 beginning July 1, 2025, report this information to the court
14 in accordance with the requirements of Section 2-27.3 of the
15 Juvenile Court Act of 1987.

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

22 Until July 1, 2025, when ~~When~~ the Department determines
23 that the child requires placement in an environment, other
24 than a home environment, the Department shall continue to make
25 reasonable efforts to identify and locate relatives to serve
26 as visitation resources for the child and potential future

1 placement resources, except when the Department determines
2 that those efforts would be futile or inconsistent with the
3 child's best interests.

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

9 Beginning July 1, 2025, when the Department determines
10 that the child requires placement in an environment, other
11 than a home environment, the Department shall continue to make
12 reasonable efforts to identify and locate relatives to serve
13 as visitation resources for the child and potential future
14 placement resources unless excused by the court, as outlined
15 in Section 2-27.3 of the Juvenile Court Act of 1987.

16 If the Department determines that an individual or a group
17 of relatives are inappropriate to serve as visitation
18 resources or possible placement resources, the Department
19 shall document the basis of its determination, ~~and~~ maintain
20 the documentation in the child's case file, inform the
21 identified relative of the relative's right to a
22 reconsideration of the decision to deny visitation with the
23 identified relative, provide the identified relative with a
24 description of the reconsideration process established in
25 accordance with subsection (o) of Section 5 of this Act, and
26 beginning July 1, 2025, report this information to the court

1 in accordance with the requirements of Section 2-27.3 of the
2 Juvenile Court Act of 1987.

3 When the Department determines that an individual or a
4 group of relatives are appropriate to serve as visitation
5 resources or possible future placement resources, the
6 Department shall document the basis of its determination,
7 maintain the documentation in the child's case file, create a
8 visitation or transition plan, or both, and incorporate the
9 visitation or transition plan, or both, into the child's case
10 plan. Beginning July 1, 2025, the Department shall report this
11 information to the court as part of the Department's family
12 finding and relative engagement efforts required under Section
13 2-27.3 of the Juvenile Court Act of 1987. For the purpose of
14 this subsection, any determination as to the child's best
15 interests shall include consideration of the factors set out
16 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
17 of 1987.

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

24 (A) The prospective relative caregiver and all other
25 adults in the home must authorize and submit to a
26 background screening that includes the components set

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

26 (B) The home safety and needs assessment requirements

1 set forth in paragraph (1) of subsection (b) of the Child
2 Care Act of 1969 are satisfied.

3 (C) The prospective relative caregiver is able to meet
4 the physical, emotional, medical, and educational needs of
5 the specific child or children being placed by the
6 Department.

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

10 ~~with a relative, with the exception of certain circumstances~~
11 ~~which may be waived as defined by the Department in rules, if~~
12 ~~the results of a check of the Law Enforcement Agencies Data~~
13 ~~System (LEADS) identifies a prior criminal conviction of the~~
14 ~~relative or any adult member of the relative's household for~~
15 ~~any of the following offenses under the Criminal Code of 1961~~
16 ~~or the Criminal Code of 2012:~~

17 ~~(1) murder;~~

18 ~~(1.1) solicitation of murder;~~

19 ~~(1.2) solicitation of murder for hire;~~

20 ~~(1.3) intentional homicide of an unborn child;~~

21 ~~(1.4) voluntary manslaughter of an unborn child;~~

22 ~~(1.5) involuntary manslaughter;~~

23 ~~(1.6) reckless homicide;~~

24 ~~(1.7) concealment of a homicidal death;~~

25 ~~(1.8) involuntary manslaughter of an unborn child;~~

26 ~~(1.9) reckless homicide of an unborn child;~~

- 1 ~~(1.10) drug-induced homicide;~~
- 2 ~~(2) a sex offense under Article 11, except offenses~~
- 3 ~~described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,~~
- 4 ~~11-40, and 11-45;~~
- 5 ~~(3) kidnapping;~~
- 6 ~~(3.1) aggravated unlawful restraint;~~
- 7 ~~(3.2) forcible detention;~~
- 8 ~~(3.3) aiding and abetting child abduction;~~
- 9 ~~(4) aggravated kidnapping;~~
- 10 ~~(5) child abduction;~~
- 11 ~~(6) aggravated battery of a child as described in~~
- 12 ~~Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;~~
- 13 ~~(7) criminal sexual assault;~~
- 14 ~~(8) aggravated criminal sexual assault;~~
- 15 ~~(8.1) predatory criminal sexual assault of a child;~~
- 16 ~~(9) criminal sexual abuse;~~
- 17 ~~(10) aggravated sexual abuse;~~
- 18 ~~(11) heinous battery as described in Section 12-4.1 or~~
- 19 ~~subdivision (a) (2) of Section 12-3.05;~~
- 20 ~~(12) aggravated battery with a firearm as described in~~
- 21 ~~Section 12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or~~
- 22 ~~(c) (4) of Section 12-3.05;~~
- 23 ~~(13) tampering with food, drugs, or cosmetics;~~
- 24 ~~(14) drug-induced infliction of great bodily harm as~~
- 25 ~~described in Section 12-4.7 or subdivision (g) (1) of~~
- 26 ~~Section 12-3.05;~~

1 ~~(15) aggravated stalking;~~

2 ~~(16) home invasion;~~

3 ~~(17) vehicular invasion;~~

4 ~~(18) criminal transmission of HIV;~~

5 ~~(19) criminal abuse or neglect of an elderly person or~~
6 ~~person with a disability as described in Section 12-21 or~~
7 ~~subsection (b) of Section 12-4.4a;~~

8 ~~(20) child abandonment;~~

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

10 ~~(22) ritual mutilation;~~

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

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

15 No later than January 1, 2025, relative caregiver payments
16 shall be made to relative caregiver homes as provided under
17 Section 5 of this Act. ~~For the purpose of this subsection,~~
18 ~~"relative" shall include any person, 21 years of age or over,~~
19 ~~other than the parent, who (i) is currently related to the~~
20 ~~child in any of the following ways by blood or adoption:~~
21 ~~grandparent, sibling, great-grandparent, parent's sibling,~~
22 ~~sibling's child, first cousin, second cousin, godparent, or~~
23 ~~grandparent's sibling; or (ii) is the spouse of such a~~
24 ~~relative; or (iii) is the child's step-parent, or adult~~
25 ~~step-sibling; or (iv) is a fictive kin; "relative" also~~
26 ~~includes a person related in any of the foregoing ways to a~~

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

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

1 ~~the fictive kin, or fails to meet the standard for licensure.~~
2 ~~All other requirements established under the rules and~~
3 ~~procedures of the Department concerning the placement of a~~
4 ~~child, for whom the Department is legally responsible, with a~~
5 ~~relative shall apply. By June 1, 2015, the Department shall~~
6 ~~promulgate rules establishing criteria and standards for~~
7 ~~placement, identification, and licensure of fictive kin.~~

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

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

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

21 The provisions added to this subsection (b) by Public Act
22 98-846 shall become operative on and after June 1, 2015.

23 (c) In placing a child under this Act, the Department
24 shall ensure that the child's health, safety, and best
25 interests are met. In rejecting placement of a child with an
26 identified relative, the Department shall (i) ensure that the

1 child's health, safety, and best interests are met, (ii)
2 inform the identified relative of the relative's right to
3 reconsideration of the decision and provide the identified
4 relative with a description of the reconsideration process
5 established in accordance with subsection (o) of Section 5 of
6 this Act, (iii) beginning July 1, 2025, report that the
7 Department rejected the relative placement to the court in
8 accordance with the requirements of Section 2-27.3 of the
9 Juvenile Court Act of 1987, and (iv) report the reason for
10 denial in accordance with Section 46 of this Act. In
11 evaluating the best interests of the child, the Department
12 shall take into consideration the factors set forth in
13 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
14 1987.

15 The Department shall consider the individual needs of the
16 child and the capacity of the prospective caregivers or
17 prospective ~~foster or~~ adoptive parents to meet the needs of
18 the child. When a child must be placed outside the child's home
19 and cannot be immediately returned to the child's parents or
20 guardian, a comprehensive, individualized assessment shall be
21 performed of that child at which time the needs of the child
22 shall be determined. Only if race, color, or national origin
23 is identified as a legitimate factor in advancing the child's
24 best interests shall it be considered. Race, color, or
25 national origin shall not be routinely considered in making a
26 placement decision. The Department shall make special efforts

1 for the diligent recruitment of potential foster and adoptive
2 families that reflect the ethnic and racial diversity of the
3 children for whom foster and adoptive homes are needed.
4 "Special efforts" shall include contacting and working with
5 community organizations and religious organizations and may
6 include contracting with those organizations, utilizing local
7 media and other local resources, and conducting outreach
8 activities.

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

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

23 (e) The Department in placing children in relative
24 caregiver, certified relative caregiver, adoptive, or foster
25 care homes may not, in any policy or practice relating to the
26 placement of children for adoption or foster care,

1 discriminate against any child or prospective caregiver or
2 adoptive parent ~~adoptive or foster parent~~ on the basis of
3 race.

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

5 (20 ILCS 505/7.3)

6 Sec. 7.3. Placement plan. The Department shall develop and
7 implement a written plan for placing children. The plan shall
8 include at least the following features:

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

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

17 (3) A plan for employing social workers in adoption
18 and foster care. The plan shall include staffing goals and
19 objectives.

20 (4) A plan for ensuring that adoption and foster care
21 workers attend training offered or approved by the
22 Department regarding the State's goal of encouraging
23 cultural diversity and the needs of special needs
24 children.

25 (5) A plan that includes policies and procedures for

1 determining for each child requiring placement outside of
2 the child's home, and who cannot be immediately returned
3 to the child's parents or guardian, the placement needs of
4 that child. In the rare instance when an individualized
5 assessment identifies, documents, and substantiates that
6 race, color, or national origin is a factor that needs to
7 be considered in advancing a particular child's best
8 interests, it shall be considered in making a placement.

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

20 Beginning July 1, 2026 and every 3 years thereafter, the
21 plans required under this Section shall be evaluated by the
22 Department and revised based on the findings of that
23 evaluation.

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

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

5 (1) the number of youth in care who were adopted
6 specifying the length of stay in out-of-home care and the
7 number of youth in care who exited to permanency through
8 guardianship specifying the length of stay in out-of-home
9 care and whether the guardianship was subsidized or
10 unsubsidized for each case;

11 (2) the number of youth with the permanency goal of
12 guardianship and the number of youth with the permanency
13 goal of adoption;

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

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

19 (5) the number of reconsideration reviews of the
20 Department's decisions not to place a child with a
21 relative commenced in accordance with subsection (o) of
22 Section 5 of this Act. For data related to each
23 reconsideration review, the Department shall indicate
24 whether the child resides in a licensed placement or in
25 the home of a relative at the time of the reconsideration
26 review, the reason for the Department's denial of the

1 placement with the relative, and the outcome associated
2 with each reconsideration review.

3 The Department shall include a description of the
4 methodology the Department used to collect the information for
5 paragraphs (1) through (5), indicate whether the Department
6 had any difficulties collecting the information, and indicate
7 whether there are concerns about the validity of the
8 information. If any of the data elements required to be
9 disclosed under this Section could reveal a youth's identity
10 if revealed in combination with all the identifying
11 information due to small sample size, the Department shall
12 exclude the data elements that could be used to identify the
13 youth so that the data can be included as part of a larger
14 sample and report that the data was excluded for this reason.

15 (20 ILCS 505/55 new)

16 Sec. 55. Performance audits. Three years after the
17 effective date of this amendatory Act of the 103rd General
18 Assembly, the Auditor General shall commence a performance
19 audit of the Department to determine whether the Department is
20 meeting the requirements established by this amendatory Act of
21 the 103rd General Assembly under Sections 4d, 5, 6a, 7, 7.3,
22 46, and 55 of this Act, Sections 2.05, 2.17, 2.36, 2.37, 2.38,
23 2.39, 2.40, 3.4, 4, 4.3, 7.3, and 7.4 of the Child Care Act of
24 1969, Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23, 2-27,
25 2-27.3, 2-28, 2-28.1, and 5-745 of the Juvenile Court Act of

1 1987, and Sections 4.1 and 15.1 of the Adoption Act. Within 2
2 years after the audit's release, the Auditor General shall
3 commence a follow-up performance audit to determine whether
4 the Department has implemented the recommendations contained
5 in the initial performance audit. Upon completion of each
6 audit, the Auditor General shall report its findings to the
7 General Assembly. The Auditor General's reports shall include
8 any issues or deficiencies and recommendations. The audits
9 required by this Section shall be in accordance with and
10 subject to the Illinois State Auditing Act.

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

15 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

16 Sec. 2.05. "Facility for child care" or "child care
17 facility" means any person, group of persons, agency,
18 association, organization, corporation, institution, center,
19 or group, whether established for gain or otherwise, who or
20 which receives or arranges for care or placement of one or more
21 children, unrelated to the operator of the facility, apart
22 from the parents, with or without the transfer of the right of
23 custody in any facility as defined in this Act, established
24 and maintained for the care of children. "Child care facility"

1 includes a relative, as defined in Section 2.36 ~~2.17~~ of this
2 Act, who is licensed as a foster family home under Section 4 of
3 this Act or provides a certified relative caregiver home, as
4 defined in Section 2.37 of this Act.

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

6 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

7 Sec. 2.17. "Foster family home" means the home of an
8 individual or family:

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

12 (2) in which a child in foster care has been placed in the
13 care of an individual who resides with the child and who has
14 been licensed or approved by the state to be a foster parent
15 and:

16 (A) who the Department of Children and Family Services
17 deems capable of adhering to the reasonable and prudent
18 parent standard;

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

21 (3) who provides the care for no more than 6 children,
22 except the Director of Children and Family Services, pursuant
23 to Department regulations, may waive the numerical limitation
24 of foster children who may be cared for in a foster family home
25 for any of the following reasons to allow: (i) a parenting

1 youth in foster care to remain with the child of the parenting
2 youth; (ii) siblings to remain together; (iii) a child with an
3 established meaningful relationship with the family to remain
4 with the family; or (iv) a family with special training or
5 skills to provide care to a child who has a severe disability.
6 The family's or relative's own children, under 18 years of
7 age, shall be included in determining the maximum number of
8 children served.

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

1 ~~and while the child remains in the custody or guardianship of~~
2 ~~the Department, the child is considered to be related to those~~
3 ~~to whom the child was related under this Section prior to the~~
4 ~~signing of the consent, surrender, or waiver or the order of~~
5 ~~termination of parental rights.~~

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

15 (a) "Boarding home" means a foster family home which
16 receives payment for regular full-time care of a child or
17 children.

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

21 (c) "Adoptive home" means a foster family home which
22 receives a child or children for the purpose of adopting
23 the child or children, but does not include an
24 adoption-only home.

25 (d) "Work-wage home" means a foster family home which
26 receives a child or children who pay part or all of their

1 board by rendering some services to the family not
2 prohibited by the Child Labor Law or by standards or
3 regulations of the Department prescribed under this Act.
4 The child or children may receive a wage in connection
5 with the services rendered the foster family.

6 (e) "Agency-supervised home" means a foster family
7 home under the direct and regular supervision of a
8 licensed child welfare agency, of the Department of
9 Children and Family Services, of a circuit court, or of
10 any other State agency which has authority to place
11 children in child care facilities, and which receives no
12 more than 6 & children, unless of common parentage, who
13 are placed and are regularly supervised by one of the
14 specified agencies.

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

22 (g) "Host home" means an emergency foster family home
23 under the direction and regular supervision of a licensed
24 child welfare agency, contracted to provide short-term
25 crisis intervention services to youth served under the
26 Comprehensive Community-Based Youth Services program,

1 under the direction of the Department of Human Services.
2 The youth shall not be under the custody or guardianship
3 of the Department pursuant to the Juvenile Court Act of
4 1987.

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

6 (225 ILCS 10/2.36 new)

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

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

4 (225 ILCS 10/2.37 new)

5 Sec. 2.37. Certified relative caregiver home. "Certified
6 relative caregiver home" means a placement resource meeting
7 the standards for a certified relative caregiver home under
8 Section 3.4 of this Act, which is eligible to receive payments
9 from the Department under State or federal law for room and
10 board for a child placed with a certified relative caregiver.
11 A certified relative caregiver home is sufficient to comply
12 with 45 CFR 1355.20.

13 (225 ILCS 10/2.38 new)

14 Sec. 2.38. Fictive kin. "Fictive kin" has the meaning
15 ascribed to the term in Section 4d of the Children and Family
16 Services Act.

17 (225 ILCS 10/2.39 new)

18 Sec. 2.39. Caregiver. "Caregiver" means a certified
19 relative caregiver, relative caregiver, or foster parent with
20 whom a youth in care is placed.

21 (225 ILCS 10/2.40 new)

22 Sec. 2.40. National consortium recommendations. "National

1 consortium recommendations" means the preferred standards of
2 national organizations with expertise in relative home care
3 developed to establish requirements or criteria for relative
4 homes that are no more or only minimally more restrictive than
5 necessary to comply with the requirements under Sections 471
6 and 474 of the Social Security Act, Public Law 115-123.
7 Consortium recommendations include criteria for assessing
8 relative homes for safety, sanitation, protection of civil
9 rights, use of the reasonable and prudent parenting standard,
10 and background screening for caregivers and other residents in
11 the caregiver home.

12 (225 ILCS 10/3.4 new)

13 Sec. 3.4. Standards for certified relative caregiver
14 homes.

15 (a) No later than January 1, 2025, the Department shall
16 adopt rules outlining the standards for certified relative
17 caregiver homes, which are reasonably in accordance with the
18 national consortium recommendations and federal law and rules,
19 and consistent with the requirements of this Act. The
20 standards for certified relative caregiver homes shall: (i) be
21 different from licensing standards used for non-relative
22 foster family homes under Section 4; (ii) align with the
23 recommendation of the U.S. Department of Health and Human
24 Services' Administration for Children and Families for
25 implementation of Section 471(a)(10), 471(a)(11), and

1 471(a)(20) and Section 474 of Title IV-E of the Social
2 Security Act; (iii) be no more restrictive than, and
3 reasonably in accordance with, national consortium
4 recommendations; and (iv) address background screening for
5 caregivers and other household residents and assessing home
6 safety and caregiver capacity to meet the identified child's
7 needs.

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

20 In developing rules, the Department shall solicit and
21 incorporate feedback from relative caregivers. No later than
22 60 days after the effective date of this amendatory Act of the
23 103rd General Assembly, the Department shall begin soliciting
24 input from relatives who are currently or have recently been
25 caregivers to youth in care to develop the rules and
26 procedures to implement the requirements of this Section. The

1 Department shall solicit this input in a manner convenient for
2 caregivers to participate, including without limitation,
3 in-person convenings at after hours and weekend venues,
4 locations that provide child care, and modalities that are
5 accessible and welcoming to new and experienced relative
6 caregivers from all regions of the State.

7 (b) In order to assess whether standards are met for a
8 certified relative caregiver home under this Section, a
9 licensed child welfare agency shall:

10 (1) complete the home safety and needs assessment and
11 identify and provide any necessary concrete goods or
12 safety modifications to assist the prospective certified
13 relative caregiver in meeting the needs of the specific
14 child or children being placed by the Department, in a
15 manner consistent with Department rule;

16 (2) assess the ability of the prospective certified
17 relative caregiver to care for the physical, emotional,
18 medical, and educational needs of the specific child or
19 children being placed by the Department using the protocol
20 and form provided through national consortium
21 recommendations; and

22 (3) using the standard background check form
23 established by rule, complete a background check for each
24 person seeking certified relative caregiver approval and
25 any other adults living in the home as required under this
26 Section.

1 (c) A licensed child welfare agency shall conduct the
2 following background screening investigation for every
3 prospective certified relative caregiver and adult resident
4 living in the home:

5 (1) a name-based State, local, or tribal criminal
6 background check, and as soon as reasonably possible,
7 initiate a fingerprint-based background check;

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

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

15 No home may be a certified relative caregiver home if any
16 prospective caregivers or adult residents in the home refuse
17 to authorize a background screening investigation as required
18 by this Section. Only information and standards that bear a
19 reasonable and rational relation to the caregiving capacity of
20 the certified relative caregiver and adult member of the
21 household and overall safety provided by residents of that
22 home shall be used by the Department or licensed child welfare
23 agency.

24 In approving a certified relative caregiver home in
25 accordance with this Section, if an adult has a criminal
26 record, the child welfare agency shall thoroughly investigate

1 and evaluate the criminal history of the adult and, in so
2 doing, include an assessment of the adult's character and, in
3 the case of the prospective certified relative caregiver, the
4 impact that the criminal history has on the prospective
5 certified relative caregiver's ability to parent the child;
6 the investigation should consider the type of crime, the
7 number of crimes, the nature of the offense, the age of the
8 person at the time of the crime, the length of time that has
9 elapsed since the last conviction, the relationship of the
10 crime to the ability to care for children, the role that adult
11 will have with the child, and any evidence of rehabilitation.
12 In accordance with federal law, a home shall not be approved if
13 the record of the prospective certified relative caregiver's
14 background screening reveals: (i) a felony conviction for
15 child abuse or neglect, spousal abuse, crimes against a child,
16 including child pornography, or a crime of rape, sexual
17 assault, or homicide; or (ii) a felony conviction in the last 5
18 years for physical assault, battery, or a drug-related
19 offense.

20 If the Department is contemplating denying approval of a
21 certified relative caregiver home, the Department shall
22 provide a written notice in the prospective certified relative
23 caregiver's primary language to each prospective certified
24 relative caregiver before the Department takes final action to
25 deny approval of the home. This written notice shall include
26 the specific reason or reasons the Department is considering

1 denial, list actions prospective certified relative caregivers
2 can take, if any, to remedy such conditions and the timeframes
3 in which such actions would need to be completed, explain
4 reasonable supports that the Department can provide to assist
5 the prospective certified relative caregivers in taking
6 remedial actions and how the prospective certified relative
7 caregivers can request such assistance, and provide the
8 recourse prospective certified relative caregivers can seek to
9 resolve disputes about the Department's findings. The
10 Department shall provide prospective certified relative
11 caregivers reasonable opportunity pursuant to rulemaking to
12 cure any remediable deficiencies that the Department
13 identified before taking final action to deny approval of a
14 certified relative caregiver home.

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

26 Documentation that a certified relative caregiver home

1 meets the required standards may be filed on behalf of such
2 homes by a licensed child welfare agency, by a State agency
3 authorized to place children in foster care, or by
4 out-of-state agencies approved by the Department to place
5 children in this State. For documentation on behalf of a home
6 in which specific children are placed by and remain under
7 supervision of the applicant agency, such agency shall
8 document that the certified relative caregiver home,
9 responsible for the care of related specific children therein,
10 was found to be in reasonable compliance with standards
11 prescribed by the Department for certified relative caregiver
12 homes under this Section. Certification is applicable to one
13 or more related children and documentation for certification
14 shall indicate the specific child or children who would be
15 eligible for placement in this certified relative caregiver
16 home.

17 Information concerning criminal convictions of prospective
18 certified relative caregivers and adult residents of a
19 prospective certified relative caregiver home investigated
20 under this Section, including the source of the information,
21 State conviction information provided by the Illinois State
22 Police, and any conclusions or recommendations derived from
23 the information, shall be offered to the prospective certified
24 relative caregivers and adult residents of a prospective
25 certified relative caregiver home, and provided, upon request,
26 to such persons prior to final action by the Department in the

1 certified relative caregiver home approval process.

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

1 criminal convictions or child abuse or neglect reports
2 involving a prospective certified relative caregiver or an
3 adult resident of a prospective certified relative caregiver
4 home shall be guilty of a Class A misdemeanor unless release of
5 such information is authorized by this Section or Section 11.1
6 of the Abused and Neglected Child Reporting Act.

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

19 (d) The Department shall ensure that prospective certified
20 relative caregivers are provided with assistance in completing
21 the steps required for approval as a certified relative
22 caregiver home, including, but not limited to, the following
23 types of assistance:

24 (1) completing forms together with the relative or for
25 the relative, if possible;

26 (2) obtaining court records or dispositions related to

1 background checks;

2 (3) accessing translation services;

3 (4) using mobile fingerprinting devices in the home,
4 and if mobile devices are unavailable, providing
5 assistance scheduling appointments that are accessible and
6 available at times that fit the household members'
7 schedules, providing transportation and childcare to allow
8 the household members to complete fingerprinting
9 appointments, and contracting with community-based
10 fingerprinting locations that offer evening and weekend
11 appointments;

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

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

18 (e) Orientation provided to certified relative caregivers
19 shall include information regarding:

20 (1) caregivers' right to be heard in juvenile court
21 proceedings;

22 (2) the availability of the advocacy hotline and
23 Office of the Inspector General that caregivers may use to
24 report incidents of misconduct or violation of rules by
25 Department employees, service providers, or contractors;

26 (3) the Department's expectations for caregiving

1 obligations including, but not limited to, specific
2 requirements of court orders, critical incident
3 notifications and timeframes, supervision for the child's
4 age and needs, out-of-state travel, and consent
5 procedures;

6 (4) assistance available to the certified relative
7 caregivers, including child care, respite care,
8 transportation assistance, case management, training and
9 support groups, kinship navigator services, financial
10 assistance, and after hours and weekend 24 hours, 7 days a
11 week emergency supports, and how to access such
12 assistance;

13 (5) reasonable and prudent parenting standards; and

14 (6) permanency options.

15 Orientation shall be provided in a setting and modality
16 convenient for the residents of the certified relative
17 caregiver home, which shall include the option for one-on-one
18 sessions at the residence, after business hours, and in the
19 primary language of the caregivers. Training opportunities
20 shall be offered to the residents of the certified relative
21 caregiver home, but shall not be a requirement that delays the
22 certified relative caregiver home approval process from being
23 completed.

24 The Department or licensed child welfare agency may
25 provide support groups and development opportunities for
26 certified relative caregivers, and take other steps to support

1 permanency, such as offering voluntary training, or concurrent
2 assessments of multiple prospective certified relative
3 caregivers to determine which may be best suited to provide
4 long-term permanency for a particular child. However, these
5 support groups and development opportunities shall not be
6 requirements for prospective certified relative caregiver
7 homes or delay immediate placement and support to a relative
8 who satisfies the standards set forth in this Section.

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

18 No later than January 1, 2025, the Department shall revise
19 any rules and procedures pertaining to eligibility of
20 certified relative caregivers to qualify for State and federal
21 subsidies and services under the guardianship and adoption
22 assistance program and remove any requirements that exceed the
23 federal requirements for participation in these programs or
24 supports to ensure that certified relative caregiver homes are
25 deemed eligible for permanency options, such as adoption or
26 subsidized guardianship, if the child is unable to safely

1 return to the child's parents.

2 The Department shall submit any necessary State plan
3 amendments necessary to comply with this Section and to ensure
4 Title IV-E reimbursement eligibility under Section
5 671(a)(20)(A-B) of the Social Security Act can be achieved
6 expediently. The Department shall differentiate expenditures
7 related to certified relative caregivers from licensed care
8 placements to provide clarity in expenditures of State and
9 federal monies for certified relative caregiver supports.

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

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

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

23 (a-5) Any agency, person, group of persons, association,
24 organization, corporation, institution, center, or group
25 providing adoption services must be licensed by the Department

1 as a child welfare agency as defined in Section 2.08 of this
2 Act. "Providing adoption services" as used in this Act,
3 includes facilitating or engaging in adoption services.

4 (b) Application for a license to operate a child care
5 facility must be made to the Department in the manner and on
6 forms prescribed by it. An application to operate a foster
7 family home shall include, at a minimum: a completed written
8 form; written authorization by the applicant and all adult
9 members of the applicant's household to conduct a criminal
10 background investigation; medical evidence in the form of a
11 medical report, on forms prescribed by the Department, that
12 the applicant and all members of the household are free from
13 communicable diseases or physical and mental conditions that
14 affect their ability to provide care for the child or
15 children; the names and addresses of at least 3 persons not
16 related to the applicant who can attest to the applicant's
17 moral character; the name and address of at least one relative
18 who can attest to the applicant's capability to care for the
19 child or children; and fingerprints submitted by the applicant
20 and all adult members of the applicant's household.

21 (b-5) Prior to submitting an application for a foster
22 family home license, a quality of care concerns applicant as
23 defined in Section 2.22a of this Act must submit a preliminary
24 application to the Department in the manner and on forms
25 prescribed by it. The Department shall explain to the quality
26 of care concerns applicant the grounds for requiring a

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

1 unsuitable for future licensure.

2 Notwithstanding the provisions of this subsection (b-5),
3 the Department may make an exception and issue a foster family
4 license to a quality of care concerns applicant if the
5 Department is satisfied that the foster family home does not
6 pose a risk to children and that the foster family will be able
7 to meet the physical and emotional needs of children. In
8 making this determination, the Department must obtain and
9 carefully review all relevant documents and shall obtain
10 consultation from its Clinical Division as appropriate and as
11 prescribed by Department rule and procedure. The Department
12 has the authority to deny a preliminary application based on
13 the record of quality of care concerns of the foster family
14 home. In the alternative, the Department may (i) approve the
15 preliminary application, (ii) approve the preliminary
16 application subject to obtaining additional information or
17 assessments, or (iii) approve the preliminary application for
18 purposes of placing a particular child or children only in the
19 foster family home. If the Department approves a preliminary
20 application, the foster family shall submit an application for
21 licensure as described in subsection (b) of this Section. The
22 Department shall notify the quality of care concerns applicant
23 of its decision and the basis for its decision in writing.

24 (c) The Department shall notify the public when a child
25 care institution, maternity center, or group home licensed by
26 the Department undergoes a change in (i) the range of care or

1 services offered at the facility, (ii) the age or type of
2 children served, or (iii) the area within the facility used by
3 children. The Department shall notify the public of the change
4 in a newspaper of general circulation in the county or
5 municipality in which the applicant's facility is or is
6 proposed to be located.

7 (d) If, upon examination of the facility and investigation
8 of persons responsible for care of children and, in the case of
9 a foster home, taking into account information obtained for
10 purposes of evaluating a preliminary application, if
11 applicable, the Department is satisfied that the facility and
12 responsible persons reasonably meet standards prescribed for
13 the type of facility for which application is made, it shall
14 issue a license in proper form, designating on that license
15 the type of child care facility and, except for a child welfare
16 agency, the number of children to be served at any one time.

17 (e) The Department shall not issue or renew the license of
18 any child welfare agency providing adoption services, unless
19 the agency (i) is officially recognized by the United States
20 Internal Revenue Service as a tax-exempt organization
21 described in Section 501(c)(3) of the Internal Revenue Code of
22 1986 (or any successor provision of federal tax law) and (ii)
23 is in compliance with all of the standards necessary to
24 maintain its status as an organization described in Section
25 501(c)(3) of the Internal Revenue Code of 1986 (or any
26 successor provision of federal tax law). The Department shall

1 grant a grace period of 24 months from the effective date of
2 this amendatory Act of the 94th General Assembly for existing
3 child welfare agencies providing adoption services to obtain
4 501(c)(3) status. The Department shall permit an existing
5 child welfare agency that converts from its current structure
6 in order to be recognized as a 501(c)(3) organization as
7 required by this Section to either retain its current license
8 or transfer its current license to a newly formed entity, if
9 the creation of a new entity is required in order to comply
10 with this Section, provided that the child welfare agency
11 demonstrates that it continues to meet all other licensing
12 requirements and that the principal officers and directors and
13 programs of the converted child welfare agency or newly
14 organized child welfare agency are substantially the same as
15 the original. The Department shall have the sole discretion to
16 grant a one year extension to any agency unable to obtain
17 501(c)(3) status within the timeframe specified in this
18 subsection (e), provided that such agency has filed an
19 application for 501(c)(3) status with the Internal Revenue
20 Service within the 2-year timeframe specified in this
21 subsection (e).

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

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

24 Sec. 4.3. Child Abuse and Neglect Reports. All child care
25 facility license applicants and all current and prospective

1 employees of a child care facility who have any possible
2 contact with children in the course of their duties, as a
3 condition of such licensure or employment, shall authorize in
4 writing on a form prescribed by the Department an
5 investigation of the Central Register, as defined in the
6 Abused and Neglected Child Reporting Act, to ascertain if such
7 applicant or employee has been determined to be a perpetrator
8 in an indicated report of child abuse or neglect.

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

19 Such information concerning a license applicant, employee
20 or prospective employee obtained by the Department shall be
21 confidential and exempt from public inspection and copying as
22 provided under Section 7 of The Freedom of Information Act,
23 and such information shall not be transmitted outside the
24 Department, except as provided in the Abused and Neglected
25 Child Reporting Act, and shall not be transmitted to anyone
26 within the Department except as provided in the Abused and

1 Neglected Child Reporting Act, and shall not be transmitted to
2 anyone within the Department except as needed for the purposes
3 of evaluation of an application for licensure or for
4 consideration by a child care facility of an employee. Any
5 employee of the Department of Children and Family Services
6 under this Section who gives or causes to be given any
7 confidential information concerning any child abuse or neglect
8 reports about a child care facility applicant, child care
9 facility employee, shall be guilty of a Class A misdemeanor,
10 unless release of such information is authorized by Section
11 11.1 of the Abused and Neglected Child Reporting Act.

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

23 When a foster family home is the subject of an indicated
24 report under the Abused and Neglected Child Reporting Act, the
25 Department of Children and Family Services must immediately
26 conduct a re-examination of the foster family home to evaluate

1 whether it continues to meet the minimum standards for
2 licensure. The re-examination is separate and apart from the
3 formal investigation of the report. The Department must
4 establish a schedule for re-examination of the foster family
5 home mentioned in the report at least once a year.

6 When a certified relative caregiver home is the subject of
7 an indicated report under the Abused and Neglected Child
8 Reporting Act, the Department shall immediately conduct a
9 re-examination of the certified relative caregiver home to
10 evaluate whether the home remains an appropriate placement or
11 the certified relative caregiver home continues to meet the
12 minimum standards for certification required under Section 3.4
13 of this Act. The re-examination is separate and apart from the
14 formal investigation of the report and shall be completed in
15 the timeframes established by rule.

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

17 (225 ILCS 10/5) (from Ch. 23, par. 2215)

18 Sec. 5. (a) In respect to child care institutions,
19 maternity centers, child welfare agencies, day care centers,
20 day care agencies and group homes, the Department, upon
21 receiving application filed in proper order, shall examine the
22 facilities and persons responsible for care of children
23 therein.

24 (b) In respect to foster family and day care homes,
25 applications may be filed on behalf of such homes by a licensed

1 child welfare agency, by a State agency authorized to place
2 children in foster care or by out-of-State agencies approved
3 by the Department to place children in this State. In respect
4 to day care homes, applications may be filed on behalf of such
5 homes by a licensed day care agency or licensed child welfare
6 agency. In applying for license in behalf of a home in which
7 children are placed by and remain under supervision of the
8 applicant agency, such agency shall certify that the home and
9 persons responsible for care of unrelated children therein, or
10 the home and relatives, as defined in Section 2.36 ~~2.17~~ of this
11 Act, responsible for the care of related children therein,
12 were found to be in reasonable compliance with standards
13 prescribed by the Department for the type of care indicated.

14 (c) The Department shall not allow any person to examine
15 facilities under a provision of this Act who has not passed an
16 examination demonstrating that such person is familiar with
17 this Act and with the appropriate standards and regulations of
18 the Department.

19 (d) With the exception of day care centers, day care
20 homes, and group day care homes, licenses shall be issued in
21 such form and manner as prescribed by the Department and are
22 valid for 4 years from the date issued, unless revoked by the
23 Department or voluntarily surrendered by the licensee.
24 Licenses issued for day care centers, day care homes, and
25 group day care homes shall be valid for 3 years from the date
26 issued, unless revoked by the Department or voluntarily

1 surrendered by the licensee. When a licensee has made timely
2 and sufficient application for the renewal of a license or a
3 new license with reference to any activity of a continuing
4 nature, the existing license shall continue in full force and
5 effect for up to 30 days until the final agency decision on the
6 application has been made. The Department may further extend
7 the period in which such decision must be made in individual
8 cases for up to 30 days, but such extensions shall be only upon
9 good cause shown.

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

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

1 than 90 days after the date of issuance.

2 (g) During the hours of operation of any licensed child
3 care facility, authorized representatives of the Department
4 may without notice visit the facility for the purpose of
5 determining its continuing compliance with this Act or
6 regulations adopted pursuant thereto.

7 (h) Day care centers, day care homes, and group day care
8 homes shall be monitored at least annually by a licensing
9 representative from the Department or the agency that
10 recommended licensure.

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

12 (225 ILCS 10/7.3)

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

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

25 (b) At least once every 30 days, a private child welfare

1 agency that places youth in care in certified relative
2 caregiver or foster family homes must make a site visit to
3 every such home where it has placed a youth in care. The
4 purpose of the site visit is to verify that the child continues
5 to reside in that home and to verify the child's safety and
6 well-being. The agency must document the verification in its
7 records. If a private child welfare agency fails to comply
8 with the requirements of this subsection, the Department must
9 suspend all payments to the agency until the agency complies.

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

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

24 (e) If a private child welfare agency determines that a
25 youth in care whom it has placed in a certified relative
26 caregiver or foster family home no longer resides in that

1 home, the agency must promptly report that fact to the
2 Department. If the agency fails to make such a report, the
3 Department shall put the agency on hold for the placement of
4 other children and initiate corrective action that may include
5 revocation of the agency's license.

6 (f) When a child is missing from a certified relative
7 caregiver or foster home, the Department or private agency in
8 charge of case management shall report regularly to the
9 certified relative caregiver or foster parent concerning
10 efforts to locate the missing child.

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

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

16 (225 ILCS 10/7.4)

17 Sec. 7.4. Disclosures.

18 (a) Every licensed child welfare agency providing adoption
19 services shall provide to all prospective clients and to the
20 public written disclosures with respect to its adoption
21 services, policies, and practices, including general
22 eligibility criteria, fees, and the mutual rights and
23 responsibilities of clients, including birth parents and
24 adoptive parents. The written disclosure shall be posted on
25 any website maintained by the child welfare agency that

1 relates to adoption services. The Department shall adopt rules
2 relating to the contents of the written disclosures. Eligible
3 agencies may be deemed compliant with this subsection (a).

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

17 (c) Every licensed child welfare agency providing adoption
18 services must make full and fair disclosure to its clients,
19 including birth parents and adoptive parents, of all
20 circumstances material to the placement of a child for
21 adoption. The Department shall adopt rules necessary for the
22 implementation and regulation of the requirements of this
23 subsection (c).

24 (c-5) Whenever a licensed child welfare agency places a
25 child in a certified relative caregiver or licensed foster
26 family home or an adoption-only home, the agency shall provide

1 the following to the caregiver ~~caretaker~~ or prospective
2 adoptive parent:

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 caretaker.

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

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

16 (4) Any known social or behavioral information
17 (including, but not limited to, criminal background, fire
18 setting, perpetration of sexual abuse, destructive
19 behavior, and substance abuse) necessary to care for and
20 safeguard the child.

21 The agency may prepare a written summary of the
22 information required by this subsection, which may be provided
23 to the certified relative caregiver or foster or prospective
24 adoptive parent in advance of a placement. The certified
25 relative caregiver or foster or prospective adoptive parent
26 may review the supporting documents in the child's file in the

1 presence of casework staff. In the case of an emergency
2 placement, casework staff shall at least provide information
3 verbally, if necessary, and must subsequently provide the
4 information in writing as required by this subsection. In the
5 case of emergency placements when time does not allow prior
6 review, preparation, and collection of written information,
7 the agency shall provide such information as it becomes
8 available.

9 The Department shall adopt rules necessary for the
10 implementation and regulation of the requirements of this
11 subsection (c-5).

12 (d) Every licensed child welfare agency providing adoption
13 services shall meet minimum standards set forth by the
14 Department concerning the taking or acknowledging of a consent
15 prior to taking or acknowledging a consent from a prospective
16 birth parent. The Department shall adopt rules concerning the
17 minimum standards required by agencies under this Section.

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

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

23 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

24 Sec. 1-3. Definitions. Terms used in this Act, unless the

1 context otherwise requires, have the following meanings
2 ascribed to them:

3 (1) "Adjudicatory hearing" means a hearing to determine
4 whether the allegations of a petition under Section 2-13,
5 3-15, or 4-12 that a minor under 18 years of age is abused,
6 neglected, or dependent, or requires authoritative
7 intervention, or addicted, respectively, are supported by a
8 preponderance of the evidence or whether the allegations of a
9 petition under Section 5-520 that a minor is delinquent are
10 proved beyond a reasonable doubt.

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

12 (3) "Agency" means a public or private child care facility
13 legally authorized or licensed by this State for placement or
14 institutional care or for both placement and institutional
15 care.

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

20 (4.05) Whenever a "best interest" determination is
21 required, the following factors shall be considered in the
22 context of the child's age and developmental needs:

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

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

26 (c) the child's background and ties, including

1 familial, cultural, and religious;

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

3 (i) where the child actually feels love,
4 attachment, and a sense of being valued (as opposed to
5 where adults believe the child should feel such love,
6 attachment, and a sense of being valued);

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

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

9 (iv) continuity of affection for the child;

10 (v) the least disruptive placement alternative for
11 the child;

12 (e) the child's wishes and long-term goals, including
13 the child's wishes regarding available permanency options
14 and the child's wishes regarding maintaining connections
15 with parents, siblings, and other relatives;

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

18 (g) the child's need for permanence which includes the
19 child's need for stability and continuity of relationships
20 with parent figures, and ~~with~~ siblings, and other
21 relatives;

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

23 (i) the risks attendant to entering and being in
24 substitute care; and

25 (j) the preferences of the persons available to care
26 for the child, including willingness to provide permanency

1 to the child, either through subsidized guardianship or
2 through adoption.

3 (4.08) "Caregiver" includes a foster parent, as defined in
4 Section 2.17 of the Child Care Act of 1969, certified relative
5 caregiver, as defined in Section 2.36 of the Child Care Act of
6 1969, and relative caregiver as defined in Section 4d of the
7 Children and Family Services Act.

8 (4.1) "Chronic truant" shall have the definition ascribed
9 to it in Section 26-2a of the School Code.

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

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

16 (6.5) "Dissemination" or "disseminate" means to publish,
17 produce, print, manufacture, distribute, sell, lease, exhibit,
18 broadcast, display, transmit, or otherwise share information
19 in any format so as to make the information accessible to
20 others.

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

24 (7.03) "Expunge" means to physically destroy the records
25 and to obliterate the minor's name from any official index,
26 public record, or electronic database.

1 (7.05) "Foster parent" includes a relative caregiver
2 selected by the Department of Children and Family Services to
3 provide care for the minor.

4 (8) "Guardianship of the person" of a minor means the duty
5 and authority to act in the best interests of the minor,
6 subject to residual parental rights and responsibilities, to
7 make important decisions in matters having a permanent effect
8 on the life and development of the minor and to be concerned
9 with the minor's general welfare. It includes but is not
10 necessarily limited to:

11 (a) the authority to consent to marriage, to
12 enlistment in the armed forces of the United States, or to
13 a major medical, psychiatric, and surgical treatment; to
14 represent the minor in legal actions; and to make other
15 decisions of substantial legal significance concerning the
16 minor;

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

20 (c) the rights and responsibilities of legal custody
21 except where legal custody has been vested in another
22 person or agency; and

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

26 (8.1) "Juvenile court record" includes, but is not limited

1 to:

2 (a) all documents filed in or maintained by the
3 juvenile court pertaining to a specific incident,
4 proceeding, or individual;

5 (b) all documents relating to a specific incident,
6 proceeding, or individual made available to or maintained
7 by probation officers;

8 (c) all documents, video or audio tapes, photographs,
9 and exhibits admitted into evidence at juvenile court
10 hearings; or

11 (d) all documents, transcripts, records, reports, or
12 other evidence prepared by, maintained by, or released by
13 any municipal, county, or State agency or department, in
14 any format, if indicating involvement with the juvenile
15 court relating to a specific incident, proceeding, or
16 individual.

17 (8.2) "Juvenile law enforcement record" includes records
18 of arrest, station adjustments, fingerprints, probation
19 adjustments, the issuance of a notice to appear, or any other
20 records or documents maintained by any law enforcement agency
21 relating to a minor suspected of committing an offense, and
22 records maintained by a law enforcement agency that identifies
23 a juvenile as a suspect in committing an offense, but does not
24 include records identifying a juvenile as a victim, witness,
25 or missing juvenile and any records created, maintained, or
26 used for purposes of referral to programs relating to

1 diversion as defined in subsection (6) of Section 5-105.

2 (9) "Legal custody" means the relationship created by an
3 order of court in the best interests of the minor which imposes
4 on the custodian the responsibility of physical possession of
5 a minor and the duty to protect, train and discipline the minor
6 and to provide the minor with food, shelter, education, and
7 ordinary medical care, except as these are limited by residual
8 parental rights and responsibilities and the rights and
9 responsibilities of the guardian of the person, if any.

10 (9.1) "Mentally capable adult relative" means a person 21
11 years of age or older who is not suffering from a mental
12 illness that prevents the person from providing the care
13 necessary to safeguard the physical safety and welfare of a
14 minor who is left in that person's care by the parent or
15 parents or other person responsible for the minor's welfare.

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

18 (11) "Parent" means a father or mother of a child and
19 includes any adoptive parent. It also includes a person (i)
20 whose parentage is presumed or has been established under the
21 law of this or another jurisdiction or (ii) who has registered
22 with the Putative Father Registry in accordance with Section
23 12.1 of the Adoption Act and whose paternity has not been ruled
24 out under the law of this or another jurisdiction. It does not
25 include a parent whose rights in respect to the minor have been
26 terminated in any manner provided by law. It does not include a

1 person who has been or could be determined to be a parent under
2 the Illinois Parentage Act of 1984 or the Illinois Parentage
3 Act of 2015, or similar parentage law in any other state, if
4 that person has been convicted of or pled nolo contendere to a
5 crime that resulted in the conception of the child under
6 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
7 12-14.1, subsection (a) or (b) (but not subsection (c)) of
8 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
9 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, or similar
11 statute in another jurisdiction unless upon motion of any
12 party, other than the offender, to the juvenile court
13 proceedings the court finds it is in the child's best interest
14 to deem the offender a parent for purposes of the juvenile
15 court proceedings.

16 (11.1) "Permanency goal" means a goal set by the court as
17 defined in subsection (2.3) ~~subdivision (2)~~ of Section 2-28.

18 (11.2) "Permanency hearing" means a hearing to set the
19 permanency goal and to review and determine (i) the
20 appropriateness of the services contained in the plan and
21 whether those services have been provided, (ii) whether
22 reasonable efforts have been made by all the parties to the
23 service plan to achieve the goal, and (iii) whether the plan
24 and goal have been achieved.

25 (12) "Petition" means the petition provided for in Section
26 2-13, 3-15, 4-12, or 5-520, including any supplemental

1 petitions thereunder in Section 3-15, 4-12, or 5-520.

2 (12.1) "Physically capable adult relative" means a person
3 21 years of age or older who does not have a severe physical
4 disability or medical condition, or is not suffering from
5 alcoholism or drug addiction, that prevents the person from
6 providing the care necessary to safeguard the physical safety
7 and welfare of a minor who is left in that person's care by the
8 parent or parents or other person responsible for the minor's
9 welfare.

10 (12.2) "Post Permanency Sibling Contact Agreement" has the
11 meaning ascribed to the term in Section 7.4 of the Children and
12 Family Services Act.

13 (12.3) "Residential treatment center" means a licensed
14 setting that provides 24-hour care to children in a group home
15 or institution, including a facility licensed as a child care
16 institution under Section 2.06 of the Child Care Act of 1969, a
17 licensed group home under Section 2.16 of the Child Care Act of
18 1969, a qualified residential treatment program under Section
19 2.35 of the Child Care Act of 1969, a secure child care
20 facility as defined in paragraph (18) of this Section, or any
21 similar facility in another state. "Residential treatment
22 center" does not include a relative foster home or a licensed
23 foster family home.

24 (13) "Residual parental rights and responsibilities" means
25 those rights and responsibilities remaining with the parent
26 after the transfer of legal custody or guardianship of the

1 person, including, but not necessarily limited to, the right
2 to reasonable visitation (which may be limited by the court in
3 the best interests of the minor as provided in subsection
4 (8)(b) of this Section), the right to consent to adoption, the
5 right to determine the minor's religious affiliation, and the
6 responsibility for the minor's support.

7 (14) "Shelter" means the temporary care of a minor in
8 physically unrestricting facilities pending court disposition
9 or execution of court order for placement.

10 (14.05) "Shelter placement" means a temporary or emergency
11 placement for a minor, including an emergency foster home
12 placement.

13 (14.1) "Sibling Contact Support Plan" has the meaning
14 ascribed to the term in Section 7.4 of the Children and Family
15 Services Act.

16 (14.2) "Significant event report" means a written document
17 describing an occurrence or event beyond the customary
18 operations, routines, or relationships in the Department of
19 Children of Family Services, a child care facility, or other
20 entity that is licensed or regulated by the Department of
21 Children of Family Services or that provides services for the
22 Department of Children of Family Services under a grant,
23 contract, or purchase of service agreement; involving children
24 or youth, employees, foster parents, or relative caregivers;
25 allegations of abuse or neglect or any other incident raising
26 a concern about the well-being of a minor under the

1 jurisdiction of the court under Article II of the Juvenile
2 Court Act of 1987; incidents involving damage to property,
3 allegations of criminal activity, misconduct, or other
4 occurrences affecting the operations of the Department of
5 Children of Family Services or a child care facility; any
6 incident that could have media impact; and unusual incidents
7 as defined by Department of Children and Family Services rule.

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

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

14 (17) "Juvenile police officer" means a sworn police
15 officer who has completed a Basic Recruit Training Course, has
16 been assigned to the position of juvenile police officer by
17 the officer's chief law enforcement officer and has completed
18 the necessary juvenile officers training as prescribed by the
19 Illinois Law Enforcement Training Standards Board, or in the
20 case of a State police officer, juvenile officer training
21 approved by the Director of the Illinois State Police.

22 (18) "Secure child care facility" means any child care
23 facility licensed by the Department of Children and Family
24 Services to provide secure living arrangements for children
25 under 18 years of age who are subject to placement in
26 facilities under the Children and Family Services Act and who

1 are not subject to placement in facilities for whom standards
2 are established by the Department of Corrections under Section
3 3-15-2 of the Unified Code of Corrections. "Secure child care
4 facility" also means a facility that is designed and operated
5 to ensure that all entrances and exits from the facility, a
6 building, or a distinct part of the building are under the
7 exclusive control of the staff of the facility, whether or not
8 the child has the freedom of movement within the perimeter of
9 the facility, building, or distinct part of the building.

10 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
11 103-564, eff. 11-17-23.)

12 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

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

14 (1) Except as provided in this Section and paragraph (2)
15 of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is
16 the subject of the proceeding and the minor's parents,
17 guardian, legal custodian or responsible relative who are
18 parties respondent have the right to be present, to be heard,
19 to present evidence material to the proceedings, to
20 cross-examine witnesses, to examine pertinent court files and
21 records and also, although proceedings under this Act are not
22 intended to be adversary in character, the right to be
23 represented by counsel. At the request of any party
24 financially unable to employ counsel, with the exception of a
25 foster parent permitted to intervene under this Section, the

1 court shall appoint the Public Defender or such other counsel
2 as the case may require. Counsel appointed for the minor and
3 any indigent party shall appear at all stages of the trial
4 court proceeding, and such appointment shall continue through
5 the permanency hearings and termination of parental rights
6 proceedings subject to withdrawal, vacating of appointment, or
7 substitution pursuant to Supreme Court Rules or the Code of
8 Civil Procedure. Following the dispositional hearing, the
9 court may require appointed counsel, other than counsel for
10 the minor or counsel for the guardian ad litem, to withdraw the
11 counsel's appearance upon failure of the party for whom
12 counsel was appointed under this Section to attend any
13 subsequent proceedings.

14 No hearing on any petition or motion filed under this Act
15 may be commenced unless the minor who is the subject of the
16 proceeding is represented by counsel. Notwithstanding the
17 preceding sentence, if a guardian ad litem has been appointed
18 for the minor under Section 2-17 of this Act and the guardian
19 ad litem is a licensed attorney at law of this State, or in the
20 event that a court appointed special advocate has been
21 appointed as guardian ad litem and counsel has been appointed
22 to represent the court appointed special advocate, the court
23 may not require the appointment of counsel to represent the
24 minor unless the court finds that the minor's interests are in
25 conflict with what the guardian ad litem determines to be in
26 the best interest of the minor. Each adult respondent shall be

1 furnished a written "Notice of Rights" at or before the first
2 hearing at which the adult respondent appears.

3 (1.5) The Department shall maintain a system of response
4 to inquiry made by parents or putative parents as to whether
5 their child is under the custody or guardianship of the
6 Department; and if so, the Department shall direct the parents
7 or putative parents to the appropriate court of jurisdiction,
8 including where inquiry may be made of the clerk of the court
9 regarding the case number and the next scheduled court date of
10 the minor's case. Effective notice and the means of accessing
11 information shall be given to the public on a continuing basis
12 by the Department.

13 (2) (a) Though not appointed guardian or legal custodian or
14 otherwise made a party to the proceeding, any current or
15 previously appointed ~~foster parent or relative~~ caregiver, or
16 representative of an agency or association interested in the
17 minor has the right to be heard by the court, but does not
18 thereby become a party to the proceeding.

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

1 Any ~~foster parent or relative~~ caregiver who is denied the
2 right to be heard under this Section may bring a mandamus
3 action under Article XIV of the Code of Civil Procedure
4 against the court or any public agency to enforce that right.
5 The mandamus action may be brought immediately upon the denial
6 of those rights but in no event later than 30 days after the
7 ~~foster parent~~ caregiver has been denied the right to be heard.

8 (b) If after an adjudication that a minor is abused or
9 neglected as provided under Section 2-21 of this Act and a
10 motion has been made to restore the minor to any parent,
11 guardian, or legal custodian found by the court to have caused
12 the neglect or to have inflicted the abuse on the minor, a
13 caregiver ~~foster parent~~ may file a motion to intervene in the
14 proceeding for the sole purpose of requesting that the minor
15 be placed with the caregiver ~~foster parent~~, provided that the
16 caregiver ~~foster parent~~ (i) is the current caregiver ~~foster~~
17 ~~parent~~ of the minor or (ii) has previously been a caregiver
18 ~~foster parent~~ for the minor for one year or more, has a foster
19 care license or is eligible for a license or is not required to
20 have a license, and is not the subject of any findings of abuse
21 or neglect of any child. The juvenile court may only enter
22 orders placing a minor with a specific caregiver ~~foster parent~~
23 under this subsection (2) (b) and nothing in this Section shall
24 be construed to confer any jurisdiction or authority on the
25 juvenile court to issue any other orders requiring the
26 appointed guardian or custodian of a minor to place the minor

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

25 (c) If a caregiver ~~foster parent~~ has had the minor who is
26 the subject of the proceeding under Article II in the

1 caregiver's ~~foster parent's~~ home for more than one year on or
2 after July 3, 1994 and if the minor's placement is being
3 terminated from that caregiver's ~~foster parent's~~ home, that
4 caregiver ~~foster parent~~ shall have standing and intervenor
5 status except in those circumstances where the Department of
6 Children and Family Services or anyone else authorized under
7 Section 5 of the Abused and Neglected Child Reporting Act has
8 removed the minor from the caregiver ~~foster parent~~ because of
9 a reasonable belief that the circumstances or conditions of
10 the minor are such that continuing in the residence or care of
11 the caregiver ~~foster parent~~ will jeopardize the child's health
12 or safety or presents an imminent risk of harm to the minor's
13 life.

14 (d) The court may grant standing to any caregiver ~~foster~~
15 ~~parent~~ if the court finds that it is in the best interest of
16 the child for the caregiver ~~foster parent~~ to have standing and
17 intervenor status.

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

25 If the child is alleged to be abused, neglected or
26 dependent, the court shall admonish the parents that if the

1 court declares the child to be a ward of the court and awards
2 custody or guardianship to the Department of Children and
3 Family Services, the parents must cooperate with the
4 Department of Children and Family Services, comply with the
5 terms of the service plans, and correct the conditions that
6 require the child to be in care, or risk termination of their
7 parental rights.

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

12 When the court finds that a child is an abused, neglected,
13 or dependent minor under Section 2-21, the court shall
14 admonish the parents that the parents must cooperate with the
15 Department of Children and Family Services, comply with the
16 terms of the service plans, and correct the conditions that
17 require the child to be in care, or risk termination of their
18 parental rights.

19 When the court declares a child to be a ward of the court
20 and awards guardianship to the Department of Children and
21 Family Services under Section 2-22, the court shall admonish
22 the parents, guardian, custodian, or responsible relative that
23 the parents must cooperate with the Department of Children and
24 Family Services, comply with the terms of the service plans,
25 and correct the conditions that require the child to be in
26 care, or risk termination of their parental rights.

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

5 (5) In the discretion of the court, the minor may be
6 excluded from any part or parts of a dispositional hearing
7 and, with the consent of the parent or parents, guardian,
8 counsel or a guardian ad litem, from any part or parts of an
9 adjudicatory hearing.

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

24 (7) A party shall not be entitled to exercise the right to
25 a substitution of a judge without cause under subdivision
26 (a) (2) of Section 2-1001 of the Code of Civil Procedure in a

1 proceeding under this Act if the judge is currently assigned
2 to a proceeding involving the alleged abuse, neglect, or
3 dependency of the minor's sibling or half sibling and that
4 judge has made a substantive ruling in the proceeding
5 involving the minor's sibling or half sibling.

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

7 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

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

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

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

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

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

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

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

1 temporary custody as it deems fit and proper, including the
2 provision of services to the minor or the minor's family to
3 ameliorate the causes contributing to the finding of probable
4 cause or to the finding of the existence of immediate and
5 urgent necessity.

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

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

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

17 For good cause, the court may waive the requirement to
18 file the parent-child visiting plan or the sibling placement
19 and contact plan, or extend the time for filing either plan.
20 Any party may, by motion, request the court to review the
21 parent-child visiting plan to determine whether it is
22 reasonably calculated to expeditiously facilitate the
23 achievement of the permanency goal. A party may, by motion,
24 request the court to review the parent-child visiting plan or
25 the sibling placement and contact plan to determine whether it
26 is consistent with the minor's best interest. The court may

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

1 subsection (2) shall restrict the Department from immediately
2 restricting or terminating parent-child contact or sibling
3 contacts, without either amending the parent-child visiting
4 plan or the sibling contact plan or obtaining a court order,
5 where the Department or its assigns reasonably believe there
6 is an immediate need to protect the child's health, safety,
7 and welfare. Such restrictions or terminations must be based
8 on available facts to the Department and its assigns when
9 viewed in light of the surrounding circumstances and shall
10 only occur on an individual case-by-case basis. The Department
11 shall file with the court and serve on the parties any
12 amendments to the plan within 10 days, excluding weekends and
13 holidays, of the change of the visitation.

14 Acceptance of services shall not be considered an
15 admission of any allegation in a petition made pursuant to
16 this Act, nor may a referral of services be considered as
17 evidence in any proceeding pursuant to this Act, except where
18 the issue is whether the Department has made reasonable
19 efforts to reunite the family. In making its findings that it
20 is consistent with the health, safety, and best interests of
21 the minor to prescribe shelter care, the court shall state in
22 writing (i) the factual basis supporting its findings
23 concerning the immediate and urgent necessity for the
24 protection of the minor or of the person or property of another
25 and (ii) the factual basis supporting its findings that
26 reasonable efforts were made to prevent or eliminate the

1 removal of the minor from the minor's home or that no efforts
2 reasonably could be made to prevent or eliminate the removal
3 of the minor from the minor's home. The parents, guardian,
4 custodian, temporary custodian, and minor shall each be
5 furnished a copy of such written findings. The temporary
6 custodian shall maintain a copy of the court order and written
7 findings in the case record for the child. The order together
8 with the court's findings of fact in support thereof shall be
9 entered of record in the court.

10 Once the court finds that it is a matter of immediate and
11 urgent necessity for the protection of the minor that the
12 minor be placed in a shelter care facility, the minor shall not
13 be returned to the parent, custodian, or guardian until the
14 court finds that such placement is no longer necessary for the
15 protection of the minor.

16 If the child is placed in the temporary custody of the
17 Department of Children and Family Services for the minor's
18 protection, the court shall admonish the parents, guardian,
19 custodian, or responsible relative that the parents must
20 cooperate with the Department of Children and Family Services,
21 comply with the terms of the service plans, and correct the
22 conditions which require the child to be in care, or risk
23 termination of their parental rights. The court shall ensure,
24 by inquiring in open court of each parent, guardian,
25 custodian, or responsible relative, that the parent, guardian,
26 custodian, or responsible relative has had the opportunity to

1 provide the Department with all known names, addresses, and
2 telephone numbers of each of the minor's living adult
3 relatives, including, but not limited to, grandparents,
4 siblings of the minor's parents, and siblings. The court shall
5 advise the parents, guardian, custodian, or responsible
6 relative to inform the Department if additional information
7 regarding the minor's adult relatives becomes available.

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

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

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

22 NOTICE TO PARENTS AND CHILDREN
 23 OF SHELTER CARE HEARING

24 On at, before the Honorable
 25, (address:), the State
 26 of Illinois will present evidence (1) that (name of child

1 or children) are abused,
 2 neglected, or dependent for the following reasons:
 3 and (2)
 4 whether there is "immediate and urgent necessity" to
 5 remove the child or children from the responsible
 6 relative.

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

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

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

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

19 3. To present evidence concerning:

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

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

1 c. The best interests of the child.

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

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

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

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

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

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

21 3. Your signature.

22 4. Signature must be notarized.

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

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

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

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

5 1. To have a guardian ad litem appointed.

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

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

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

12 c. Their best interests.

13 3. To cross examine witnesses for other parties.

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

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

26 (5) Only when there is reasonable cause to believe that

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

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

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

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

26 (9) Notwithstanding any other provision of this Section

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

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

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

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

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

24 In ruling on the motion, the court shall determine whether
25 it is consistent with the health, safety, and best interests
26 of the minor to modify or vacate a temporary custody order. If

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

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

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

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

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

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

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

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

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

25 (b) the efforts to engage the respondents and adult
26 family members of the minor in decision making on behalf

1 of the minor;

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

4 (d) the relationship between the respondents and adult
5 family members and the minor;

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

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

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

16 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
17 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; revised 9-20-23.)

18 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

19 Sec. 2-13. Petition.

20 (1) Any adult person, any agency or association by its
21 representative may file, or the court on its own motion,
22 consistent with the health, safety and best interests of the
23 minor may direct the filing through the State's Attorney of a
24 petition in respect of a minor under this Act. The petition and
25 all subsequent court documents shall be entitled "In the

1 interest of, a minor".

2 (2) The petition shall be verified but the statements may
3 be made upon information and belief. It shall allege that the
4 minor is abused, neglected, or dependent, with citations to
5 the appropriate provisions of this Act, and set forth (a)
6 facts sufficient to bring the minor under Section 2-3 or 2-4
7 and to inform respondents of the cause of action, including,
8 but not limited to, a plain and concise statement of the
9 factual allegations that form the basis for the filing of the
10 petition; (b) the name, age and residence of the minor; (c) the
11 names and residences of the minor's parents; (d) the name and
12 residence of the minor's legal guardian or the person or
13 persons having custody or control of the minor, or of the
14 nearest known relative if no parent or guardian can be found;
15 and (e) if the minor upon whose behalf the petition is brought
16 is sheltered in custody, the date on which such temporary
17 custody was ordered by the court or the date set for a
18 temporary custody hearing. If any of the facts herein required
19 are not known by the petitioner, the petition shall so state.

20 (3) The petition must allege that it is in the best
21 interests of the minor and of the public that the minor be
22 adjudged a ward of the court and may pray generally for relief
23 available under this Act. The petition need not specify any
24 proposed disposition following adjudication of wardship. The
25 petition may request that the minor remain in the custody of
26 the parent, guardian, or custodian under an Order of

1 Protection.

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

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

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

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

25 (ii) a minor under the age of 2 years has been
26 previously determined to be abandoned at an adjudicatory

1 hearing; or

2 (iii) the parent is criminally convicted of:

3 (A) first degree murder or second degree murder of
4 any child;

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

7 (C) solicitation to commit murder of any child,
8 solicitation to commit murder for hire of any child,
9 or solicitation to commit second degree murder of any
10 child;

11 (D) aggravated battery, aggravated battery of a
12 child, or felony domestic battery, any of which has
13 resulted in serious injury to the minor or a sibling of
14 the minor;

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

16 (E-5) aggravated criminal sexual assault;

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

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

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

22 (E-25) criminal sexual assault; or

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

26 (a-1) For purposes of this subsection (4.5), good cause

1 exists in the following circumstances:

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

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

6 (iii) the court has found within the preceding 12
7 months that the Department has failed to make reasonable
8 efforts to reunify the child and family, ~~or~~

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

20 (A) the child's best interest;

21 (B) the parent's expressions or acts of
22 manifesting concern for the child, such as letters,
23 telephone calls, visits, and other forms of
24 communication with the child and the impact of the
25 communication on the child;

26 (C) the parent's efforts to communicate with and

1 work with the Department for the purpose of complying
2 with the service plan and repairing, maintaining, or
3 building the parent-child relationship; ~~or~~

4 (D) limitations in the parent's access to family
5 support programs, therapeutic services, visiting
6 opportunities, telephone and mail services, and
7 meaningful participation in court proceedings; or ~~or~~

8 (v) the Department has not yet met with the child's
9 caregiver to discuss the permanency goals of guardianship
10 and adoption.

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

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

16 (2) 60 days after the date on which the child is
17 removed from the child's parent, guardian, or legal
18 custodian.

19 (c) (Blank).

20 (d) (Blank).

21 (5) The court shall liberally allow the petitioner to
22 amend the petition to set forth a cause of action or to add,
23 amend, or supplement factual allegations that form the basis
24 for a cause of action up until 14 days before the adjudicatory
25 hearing. The petitioner may amend the petition after that date
26 and prior to the adjudicatory hearing if the court grants

1 leave to amend upon a showing of good cause. The court may
2 allow amendment of the petition to conform with the evidence
3 at any time prior to ruling. In all cases in which the court
4 has granted leave to amend based on new evidence or new
5 allegations, the court shall permit the respondent an adequate
6 opportunity to prepare a defense to the amended petition.

7 (6) At any time before dismissal of the petition or before
8 final closing and discharge under Section 2-31, one or more
9 motions in the best interests of the minor may be filed. The
10 motion shall specify sufficient facts in support of the relief
11 requested.

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

13 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

14 Sec. 2-21. Findings and adjudication.

15 (1) The court shall state for the record the manner in
16 which the parties received service of process and shall note
17 whether the return or returns of service, postal return
18 receipt or receipts for notice by certified mail, or
19 certificate or certificates of publication have been filed in
20 the court record. The court shall enter any appropriate orders
21 of default against any parent who has been properly served in
22 any manner and fails to appear.

23 No further service of process as defined in Sections 2-15
24 and 2-16 is required in any subsequent proceeding for a parent
25 who was properly served in any manner, except as required by

1 Supreme Court Rule 11.

2 The caseworker shall testify about the diligent search
3 conducted for the parent.

4 After hearing the evidence the court shall determine
5 whether or not the minor is abused, neglected, or dependent.
6 If it finds that the minor is not such a person, the court
7 shall order the petition dismissed and the minor discharged.
8 The court's determination of whether the minor is abused,
9 neglected, or dependent shall be stated in writing with the
10 factual basis supporting that determination.

11 If the court finds that the minor is abused, neglected, or
12 dependent, the court shall then determine and put in writing
13 the factual basis supporting that determination, and specify,
14 to the extent possible, the acts or omissions or both of each
15 parent, guardian, or legal custodian that form the basis of
16 the court's findings. That finding shall appear in the order
17 of the court.

18 If the court finds that the child has been abused,
19 neglected or dependent, the court shall admonish the parents
20 that they must cooperate with the Department of Children and
21 Family Services, comply with the terms of the service plan,
22 and correct the conditions that require the child to be in
23 care, or risk termination of parental rights.

24 If the court determines that a person has inflicted
25 physical or sexual abuse upon a minor, the court shall report
26 that determination to the Illinois State Police, which shall

1 include that information in its report to the President of the
2 school board for a school district that requests a criminal
3 history records check of that person, or the regional
4 superintendent of schools who requests a check of that person,
5 as required under Section 10-21.9 or 34-18.5 of the School
6 Code.

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

1 dispositional report.

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

6 (4) For all cases adjudicated prior to July 1, 1991, for
7 which no dispositional hearing has been held prior to that
8 date, a dispositional hearing under Section 2-22 shall be held
9 within 90 days of July 1, 1991.

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

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

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

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

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

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

3 (A-1) the petitioner has demonstrated that the
4 Department has discussed the permanency options of
5 guardianship and adoption with the caregiver and the
6 Department has informed the court of the caregiver's
7 wishes as to the permanency goal;

8 (A-5) reasonable efforts under subsection (1-1) of
9 Section 5 of the Children and Family Services Act are
10 inappropriate or such efforts were made and were
11 unsuccessful; and

12 (B) termination of parental rights and appointment
13 of a guardian with power to consent to adoption is in
14 the best interest of the child pursuant to Section
15 2-29.

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

17 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

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

19 (1) At the dispositional hearing, the court shall
20 determine whether it is in the best interests of the minor and
21 the public that the minor be made a ward of the court, and, if
22 the minor is to be made a ward of the court, the court shall
23 determine the proper disposition best serving the health,
24 safety and interests of the minor and the public. The court
25 also shall consider the Department's diligent efforts in

1 family finding and relative engagement for the minor required
2 under Section 2-27.3 beginning July 1, 2025, the permanency
3 goal set for the minor, the nature of the service plan for the
4 minor and the services delivered and to be delivered under the
5 plan. All evidence helpful in determining these questions,
6 including oral and written reports, may be admitted and may be
7 relied upon to the extent of its probative value, even though
8 not competent for the purposes of the adjudicatory hearing.

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

25 (3) A record of a prior continuance under supervision
26 under Section 2-20, whether successfully completed with regard

1 to the child's health, safety and best interest, or not, is
2 admissible at the dispositional hearing.

3 (4) On its own motion or that of the State's Attorney, a
4 parent, guardian, custodian, responsible relative or counsel,
5 the court may adjourn the hearing for a reasonable period to
6 receive reports or other evidence, if the adjournment is
7 consistent with the health, safety and best interests of the
8 minor, but in no event shall continuances be granted so that
9 the dispositional hearing occurs more than 6 months after the
10 initial removal of a minor from the minor's home. In
11 scheduling investigations and hearings, the court shall give
12 priority to proceedings in which a minor has been removed from
13 the minor's home before an order of disposition has been made.

14 (5) Unless already set by the court, at the conclusion of
15 the dispositional hearing, the court shall set the date for
16 the first permanency hearing, to be conducted under
17 subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section
18 2-28, which shall be held: (a) within 12 months from the date
19 temporary custody was taken, (b) if the parental rights of
20 both parents have been terminated in accordance with the
21 procedure described in subsection (5) of Section 2-21, within
22 30 days of the termination of parental rights and appointment
23 of a guardian with power to consent to adoption, or (c) in
24 accordance with subsection (2) of Section 2-13.1.

25 (6) When the court declares a child to be a ward of the
26 court and awards guardianship to the Department of Children

1 and Family Services: 7

2 (a) The ~~the~~ court shall admonish the parents,
3 guardian, custodian or responsible relative that the
4 parents must cooperate with the Department of Children and
5 Family Services, comply with the terms of the service
6 plans, and correct the conditions which require the child
7 to be in care, or risk termination of their parental
8 rights; and

9 (b) the court shall inquire of the parties of any
10 intent to proceed with termination of parental rights of a
11 parent:

12 (A) whose identity still remains unknown;

13 (B) whose whereabouts remain unknown; or

14 (C) who was found in default at the adjudicatory
15 hearing and has not obtained an order setting aside
16 the default in accordance with Section 2-1301 of the
17 Code of Civil Procedure.

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

19 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

23 (a) A minor found to be neglected or abused under
24 Section 2-3 or dependent under Section 2-4 may be (1)
25 continued in the custody of the minor's parents, guardian

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

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

20 However, in any case in which a minor is found by the
21 court to be neglected or abused under Section 2-3 of this
22 Act, custody of the minor shall not be restored to any
23 parent, guardian or legal custodian whose acts or
24 omissions or both have been identified, pursuant to
25 subsection (1) of Section 2-21, as forming the basis for
26 the court's finding of abuse or neglect, until such time

1 as a hearing is held on the issue of the best interests of
2 the minor and the fitness of such parent, guardian or
3 legal custodian to care for the minor without endangering
4 the minor's health or safety, and the court enters an
5 order that such parent, guardian or legal custodian is fit
6 to care for the minor.

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

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

23 (b-1) A minor between the ages of 18 and 21 may be
24 placed pursuant to Section 2-27 of this Act if (1) the
25 court has granted a supplemental petition to reinstate
26 wardship of the minor pursuant to subsection (2) of

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

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

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

1 protection under Section 2-25.

2 Unless the order of disposition expressly so provides, it
3 does not operate to close proceedings on the pending petition,
4 but is subject to modification, not inconsistent with Section
5 2-28, until final closing and discharge of the proceedings
6 under Section 2-31.

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

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

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

1 places a minor in a placement under an order entered under this
2 subsection (3.5), the Department has the authority to remove
3 the minor from that placement when a change in circumstances
4 necessitates the removal to protect the minor's health,
5 safety, and best interest. If the Department determines
6 removal is necessary, the Department shall notify the parties
7 of the planned placement change in writing no later than 10
8 days prior to the implementation of its determination unless
9 remaining in the placement poses an imminent risk of harm to
10 the minor, in which case the Department shall notify the
11 parties of the placement change in writing immediately
12 following the implementation of its decision. The Department
13 shall notify others of the decision to change the minor's
14 placement as required by Department rule.

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

24 (5) Any order for disposition where the minor is committed
25 or placed in accordance with Section 2-27 shall provide for
26 the parents or guardian of the estate of such minor to pay to

1 the legal custodian or guardian of the person of the minor such
2 sums as are determined by the custodian or guardian of the
3 person of the minor as necessary for the minor's needs. Such
4 payments may not exceed the maximum amounts provided for by
5 Section 9.1 of the Children and Family Services Act.

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

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

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

15 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

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

17 (1) If the court determines and puts in writing the
18 factual basis supporting the determination of whether the
19 parents, guardian, or legal custodian of a minor adjudged a
20 ward of the court are unfit or are unable, for some reason
21 other than financial circumstances alone, to care for,
22 protect, train or discipline the minor or are unwilling to do
23 so, and that the health, safety, and best interest of the minor
24 will be jeopardized if the minor remains in the custody of the
25 minor's parents, guardian or custodian, the court may at this

1 hearing and at any later point:

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

4 (a-5) with the approval of the Department of Children
5 and Family Services, place the minor in the subsidized
6 guardianship of a suitable relative or other person as
7 legal guardian; "subsidized guardianship" has the meaning
8 ascribed to that term in Section 4d of the Children and
9 Family Services Act ~~means a private guardianship~~
10 ~~arrangement for children for whom the permanency goals of~~
11 ~~return home and adoption have been ruled out and who meet~~
12 ~~the qualifications for subsidized guardianship as defined~~
13 ~~by the Department of Children and Family Services in~~
14 ~~administrative rules;~~

15 (b) place the minor under the guardianship of a
16 probation officer;

17 (c) commit the minor to an agency for care or
18 placement, except an institution under the authority of
19 the Department of Corrections or of the Department of
20 Children and Family Services;

21 (d) on and after the effective date of this amendatory
22 Act of the 98th General Assembly and before January 1,
23 2017, commit the minor to the Department of Children and
24 Family Services for care and service; however, a minor
25 charged with a criminal offense under the Criminal Code of
26 1961 or the Criminal Code of 2012 or adjudicated

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

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

1 copy.

2 (1.5) In making a determination under this Section, the
3 court shall also consider whether, based on health, safety,
4 and the best interests of the minor,

5 (a) appropriate services aimed at family preservation
6 and family reunification have been unsuccessful in
7 rectifying the conditions that have led to a finding of
8 unfitness or inability to care for, protect, train, or
9 discipline the minor, or

10 (b) no family preservation or family reunification
11 services would be appropriate,

12 and if the petition or amended petition contained an
13 allegation that the parent is an unfit person as defined in
14 subdivision (D) of Section 1 of the Adoption Act, and the order
15 of adjudication recites that parental unfitness was
16 established by clear and convincing evidence, the court shall,
17 when appropriate and in the best interest of the minor, enter
18 an order terminating parental rights and appointing a guardian
19 with power to consent to adoption in accordance with Section
20 2-29.

21 When making a placement, the court, wherever possible,
22 shall require the Department of Children and Family Services
23 to select a person holding the same religious belief as that of
24 the minor or a private agency controlled by persons of like
25 religious faith of the minor and shall require the Department
26 to otherwise comply with Section 7 of the Children and Family

1 Services Act in placing the child. In addition, whenever
2 alternative plans for placement are available, the court shall
3 ascertain and consider, to the extent appropriate in the
4 particular case, the views and preferences of the minor.

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

1 Children and Family Services under Section 5 of the Children
2 and Family Services Act. Like authority and restrictions shall
3 be conferred by the court upon any probation officer who has
4 been appointed guardian of the person of a minor.

5 (3) No placement by any probation officer or agency whose
6 representative is appointed guardian of the person or legal
7 custodian of a minor may be made in any out of State child care
8 facility unless it complies with the Interstate Compact on the
9 Placement of Children. Placement with a parent, however, is
10 not subject to that Interstate Compact.

11 (4) The clerk of the court shall issue to the legal
12 custodian or guardian of the person a certified copy of the
13 order of court, as proof of the legal custodian's or
14 guardian's authority. No other process is necessary as
15 authority for the keeping of the minor.

16 (5) Custody or guardianship granted under this Section
17 continues until the court otherwise directs, but not after the
18 minor reaches the age of 19 years except as set forth in
19 Section 2-31, or if the minor was previously committed to the
20 Department of Children and Family Services for care and
21 service and the court has granted a supplemental petition to
22 reinstate wardship pursuant to subsection (2) of Section 2-33.

23 (6) (Blank).

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

25 (705 ILCS 405/2-27.3 new)

1 Sec. 2-27.3. Ongoing family finding and relative
2 engagement.

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

7 (A) establishing and supporting lifelong connections
8 for the minor by building a network of sustainable and
9 supportive relationships that allow the minor to
10 experience a sense of belonging through enduring,
11 life-long relationships with family, extended family, and
12 other caring adults; and

13 (B) for minors who are not in a placement likely to
14 achieve permanency, identifying relatives who may be
15 willing and able to care for the minor and provide
16 permanency for the minor.

17 Efforts to identify, locate, and engage relatives to
18 assist in supporting and establishing lifelong connections for
19 the minor are required, consistent with the best interests of
20 the minor, even if the minor is placed with a relative,
21 recognizing it may be in the minor's best interest to maintain
22 connections with different relatives, and a relative's
23 capacity to provide connection and support, may change over
24 time.

25 (2) The Department shall provide a report to the court, as
26 part of the reporting requirement under Section 2-10.1, not

1 later than 45 days after a minor is placed in the Department's
2 custody, and with each case plan submitted to the court
3 thereafter, describing the Department's efforts, to identify,
4 locate, and engage relatives in a manner consistent with the
5 minor's best interest. The initial and subsequent reports
6 shall include:

7 (A) a list of contacts made and the outcome of each
8 contact;

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

22 (C) consistent with the minor's best interest, the
23 manner in which the relative or person may be engaged with
24 the minor. Engagement may include, but is not limited to,
25 in person visitation, virtual visitation, telephone
26 contact, supervising visits between the minor and a parent

1 or sibling, assisting with transportation, providing
2 respite care and providing placement. If the Department
3 determines an identified relative's engagement with the
4 minor is not in the minor's best interest, the Department
5 shall include its rationale in the report.

6 (3) Ongoing family finding and relative engagement efforts
7 shall continue until excused in whole or in part by the court.
8 The court may order that further efforts to locate and engage
9 relatives are futile based on efforts already made, or that
10 efforts to identify, locate, or engage a specified person or
11 persons is not in the minor's best interests. If a court finds
12 that family finding and relative engagement efforts should
13 cease, the court shall enter an order in writing. An order
14 entered under this Section shall include specific factual
15 findings supporting the court's decision. The Department may
16 resume family finding and relative engagement efforts after an
17 order excusing such efforts has been entered, if the court
18 determines resuming such efforts are in the minor's best
19 interest.

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

25 (b) Nothing in this Section shall be construed to create a
26 legally enforceable right on behalf of any relative or person

1 to placement, visitation, or engagement with the minor.

2 (705 ILCS 405/2-28)

3 Sec. 2-28. Court review.

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

1 abuse, or dependency is found by the court under paragraph (1)
2 of Section 2-21 of this Act to have come about due to the acts
3 or omissions or both of such parent, guardian, or legal
4 custodian, until such time as an investigation is made as
5 provided in paragraph (5) and a hearing is held on the issue of
6 the fitness of such parent, guardian, or legal custodian to
7 care for the minor and the court enters an order that such
8 parent, guardian, or legal custodian is fit to care for the
9 minor.

10 (1.5) The public agency that is the custodian or guardian
11 of the minor shall file a written report with the court no
12 later than 15 days after a minor in the agency's care remains:

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

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

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

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

26 (1.6) Within 30 days after placing a child in its care in a

1 qualified residential treatment program, as defined by the
2 federal Social Security Act, the Department of Children and
3 Family Services shall prepare a written report for filing with
4 the court and send copies of the report to all parties. Within
5 20 days of the filing of the report, or as soon thereafter as
6 the court's schedule allows but not more than 60 days from the
7 date of placement, the court shall hold a hearing to consider
8 the Department's report and determine whether placement of the
9 child in a qualified residential treatment program provides
10 the most effective and appropriate level of care for the child
11 in the least restrictive environment and if the placement is
12 consistent with the short-term and long-term goals for the
13 child, as specified in the permanency plan for the child. The
14 court shall approve or disapprove the placement. If
15 applicable, the requirements of Sections 2-27.1 and 2-27.2
16 must also be met. The Department's written report and the
17 court's written determination shall be included in and made
18 part of the case plan for the child. If the child remains
19 placed in a qualified residential treatment program, the
20 Department shall submit evidence at each status and permanency
21 hearing:

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

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

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

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

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

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

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

22 The public agency that is the custodian or guardian of the
23 minor, or another agency responsible for the minor's care,
24 shall ensure that all parties to the permanency hearings are
25 provided a copy of the most recent service plan prepared
26 within the prior 6 months at least 14 days in advance of the

1 hearing. If not contained in the agency's service plan, the
2 agency shall also include a report setting forth the
3 following:

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

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

18 (C) whether ~~specify if~~ a minor is placed in a licensed
19 child care facility under a corrective plan by the
20 Department due to concerns impacting the minor's safety
21 and well-being. The report shall explain the steps the
22 Department is taking to ensure the safety and well-being
23 of the minor and that the minor's needs are met in the
24 facility; ~~The agency's written report must~~

25 (D) detail regarding what progress or lack of progress
26 the parent has made in correcting the conditions requiring

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

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

16 (ii) confirmation that the caseworker has
17 discussed with the minor's caregivers, the minor's
18 parents, as appropriate, and the minor as
19 age-appropriate, the distinctions between guardianship
20 and adoption, including, but not limited to, that
21 guardianship does not require termination of the
22 parent's rights or the consent of the parent;

23 (iii) a description of the stated preferences and
24 concerns, if any, the minor, the parent as
25 appropriate, and the caregiver expressed relating to
26 the options of guardianship and adoption, and the

1 reasons for the preferences;

2 (iv) if the minor is not currently in a placement
3 that will provide permanency, identification of all
4 persons presently willing and able to provide
5 permanency to the minor through either guardianship or
6 adoption, and beginning July 1, 2025, if none are
7 available, a description of the efforts made in
8 accordance with Section 2-27.3; and

9 (v) state the recommended permanency goal, why
10 that goal is recommended, and why the other potential
11 goals were not recommended.

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

17 (2.3) At the permanency hearing, the court shall determine
18 the permanency goal ~~future status~~ of the child. The court
19 shall set one of the following permanency goals:

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

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

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

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

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

24 (i) whether the agency has discussed adoption and
25 guardianship with the caregiver and what preference,
26 if any, the caregiver has as to the permanency goal;

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

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

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

13 (v) whether the parent or parents have been
14 informed about guardianship and adoption, and, if
15 appropriate, what preferences, if any, the parent or
16 parents have as to the permanency goal.

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

22 (i) whether the agency has discussed adoption and
23 guardianship with the caregiver and what preference,
24 if any, the caregiver has as to the permanency goal;

25 (ii) whether the agency has discussed adoption and
26 guardianship with the minor, as age-appropriate, and

1 what preference, if any, the minor has as to the
2 permanency goal;

3 (iii) whether the minor is of sufficient age to
4 remember the minor's parents and if the child values
5 this familial identity;

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

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

14 (vi) whether the parent or parents have been
15 informed about guardianship and adoption, and, if
16 appropriate, what preferences, if any, the parent or
17 parents have as to the permanency goal.

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

20 ~~(E) The guardianship of the minor will be transferred~~
21 ~~to an individual or couple on a permanent basis provided~~
22 ~~that goals (A) through (D) have been deemed inappropriate~~
23 ~~and not in the child's best interests. The court shall~~
24 ~~confirm that the Department has discussed adoption, if~~
25 ~~appropriate, and guardianship with the caregiver prior to~~
26 ~~changing a goal to guardianship.~~

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

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

17 In selecting any permanency goal, the court shall indicate
18 in writing the reasons the goal was selected and why the
19 preceding goals were deemed inappropriate and not in the
20 child's best interest. Where the court has selected a
21 permanency goal other than (A), (B), or (B-1), the Department
22 of Children and Family Services shall not provide further
23 reunification services, except as provided in paragraph (F) of
24 this subsection (2.3) ~~(2)~~, but shall provide services
25 consistent with the goal selected.

26 (H) Notwithstanding any other provision in this

1 Section, the court may select the goal of continuing
2 foster care as a permanency goal if:

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

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

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

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

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

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

1 the subject child's best interest, including
2 long-term emotional interest, as compared with the
3 legal and emotional benefit of permanence;

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

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

11 (2.4) The court shall set a permanency goal that is in the
12 best interest of the child. In determining that goal, the
13 court shall consult with the minor in an age-appropriate
14 manner regarding the proposed permanency or transition plan
15 for the minor. The court's determination shall include the
16 following factors:

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

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

20 (C) ~~(3)~~ Current placement of the child and the intent
21 of the family regarding subsidized guardianship and
22 adoption.

23 (D) ~~(4)~~ Emotional, physical, and mental status or
24 condition of the child.

25 (E) ~~(5)~~ Types of services previously offered and
26 whether or not the services were successful and, if not

1 successful, the reasons the services failed.

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

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

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

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

19 The court shall make findings as to whether, in violation
20 of Section 8.2 of the Abused and Neglected Child Reporting
21 Act, any portion of the service plan compels a child or parent
22 to engage in any activity or refrain from any activity that is
23 not reasonably related to remedying a condition or conditions
24 that gave rise or which could give rise to any finding of child
25 abuse or neglect. The services contained in the service plan
26 shall include services reasonably related to remedy the

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

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

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

26 Beginning July 1, 2025, the court shall review the Ongoing

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

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

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

25 A guardian or custodian appointed by the court pursuant to
26 this Act shall file updated case plans with the court every 6

1 months.

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

5 (2.5) If, after reviewing the evidence, including evidence
6 from the Department, the court determines that the minor's
7 current or planned placement is not necessary or appropriate
8 to facilitate achievement of the permanency goal, the court
9 shall put in writing the factual basis supporting its
10 determination and enter specific findings based on the
11 evidence. If the court finds that the minor's current or
12 planned placement is not necessary or appropriate, the court
13 may enter an order directing the Department to implement a
14 recommendation by the minor's treating clinician or a
15 clinician contracted by the Department to evaluate the minor
16 or a recommendation made by the Department. If the Department
17 places a minor in a placement under an order entered under this
18 subsection (2.5), the Department has the authority to remove
19 the minor from that placement when a change in circumstances
20 necessitates the removal to protect the minor's health,
21 safety, and best interest. If the Department determines
22 removal is necessary, the Department shall notify the parties
23 of the planned placement change in writing no later than 10
24 days prior to the implementation of its determination unless
25 remaining in the placement poses an imminent risk of harm to
26 the minor, in which case the Department shall notify the

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

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

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

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

17 (i) (Blank).

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

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

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

8 (iv) (Blank).

9 (v) (Blank).

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

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

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

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

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

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

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

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

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

1 Family Services and comply with the terms of an after-care
2 plan, or risk the loss of custody of the child and possible
3 termination of their parental rights. The court may also enter
4 an order of protective supervision in accordance with Section
5 2-24.

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

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

26 (a) Any agency of this State or any subdivision

1 thereof shall cooperate with the agent of the court in
2 providing any information sought in the investigation.

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

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

13 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;
14 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.
15 6-30-23; 103-171, eff. 1-1-24; revised 12-15-23.)

16 (705 ILCS 405/2-28.1)

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

18 (a) The chief judge of the circuit court may appoint
19 hearing officers to conduct the permanency hearings set forth
20 in subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section
21 2-28, in accordance with the provisions of this Section. The
22 hearing officers shall be attorneys with at least 3 years
23 experience in child abuse and neglect or permanency planning
24 and in counties with a population of 3,000,000 or more, any
25 hearing officer appointed after September 1, 1997, must be an

1 attorney admitted to practice for at least 7 years. Once
2 trained by the court, hearing officers shall be authorized to
3 do the following:

4 (1) Conduct a fair and impartial hearing.

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

6 (3) Administer the oath or affirmation and take
7 testimony under oath or affirmation.

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

14 (5) Rule on the admissibility of evidence using the
15 standard applied at a dispositional hearing under Section
16 2-22 of this Act.

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

22 (7) Analyze the evidence presented to the hearing
23 officer and prepare written recommended orders, including
24 findings of fact, based on the evidence.

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

1 (9) Conduct in camera interviews with children when
2 requested by a child or the child's guardian ad litem.
3 In counties with a population of 3,000,000 or more, hearing
4 officers shall also be authorized to do the following:

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

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

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

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

25 If a party fails to appear at the hearing, the hearing
26 officer may proceed to the permanency hearing with the parties

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

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

20 (c) If one or more parties are not present at the
21 permanency hearing, or any party or the Department of Children
22 and Family Services objects to the hearing officer's
23 recommended order, including any findings of fact, the hearing
24 officer shall set the matter for a judicial determination
25 within 30 days of the permanency hearing for the entry of the
26 recommended order or for receipt of the parties' objections.

1 Any objections shall be in writing and identify the specific
2 findings or recommendations that are contested, the basis for
3 the objections, and the evidence or applicable law supporting
4 the objection. The recommended order and its contents may not
5 be disclosed to anyone other than the parties and the
6 Department or other agency unless otherwise specifically
7 ordered by a judge of the court.

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

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

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

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

23 (3) Conduct of judicial determinations on all matters
24 in which the parties or the Department of Children and
25 Family Services disagree with the hearing officer's
26 recommended orders under subsection (3).

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

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

7 (705 ILCS 405/5-745)

8 Sec. 5-745. Court review.

9 (1) The court may require any legal custodian or guardian
10 of the person appointed under this Act, including the
11 Department of Juvenile Justice for youth committed under
12 Section 5-750 of this Act, to report periodically to the court
13 or may cite the legal custodian or guardian into court and
14 require the legal custodian or guardian, or the legal
15 custodian's or guardian's agency, to make a full and accurate
16 report of the doings of the legal custodian, guardian, or
17 agency on behalf of the minor, including efforts to secure
18 post-release placement of the youth after release from the
19 Department's facilities. The legal custodian or guardian,
20 within 10 days after the citation, shall make the report,
21 either in writing verified by affidavit or orally under oath
22 in open court, or otherwise as the court directs. Upon the
23 hearing of the report the court may remove the legal custodian
24 or guardian and appoint another in the legal custodian's or
25 guardian's stead or restore the minor to the custody of the

1 minor's parents or former guardian or legal custodian.

2 (2) If the Department of Children and Family Services is
3 appointed legal custodian or guardian of a minor under Section
4 5-740 of this Act, the Department of Children and Family
5 Services shall file updated case plans with the court every 6
6 months. Every agency which has guardianship of a child shall
7 file a supplemental petition for court review, or review by an
8 administrative body appointed or approved by the court and
9 further order within 18 months of the sentencing order and
10 each 18 months thereafter. The petition shall state facts
11 relative to the child's present condition of physical, mental
12 and emotional health as well as facts relative to the minor's
13 present custodial or foster care. The petition shall be set
14 for hearing and the clerk shall mail 10 days notice of the
15 hearing by certified mail, return receipt requested, to the
16 person or agency having the physical custody of the child, the
17 minor and other interested parties unless a written waiver of
18 notice is filed with the petition.

19 If the minor is in the custody of the Illinois Department
20 of Children and Family Services, pursuant to an order entered
21 under this Article, the court shall conduct permanency
22 hearings as set out in subsections (1), (2), (2.3), (2.4), and
23 (3) of Section 2-28 of Article II of this Act.

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

1 (3) The minor or any person interested in the minor may
2 apply to the court for a change in custody of the minor and the
3 appointment of a new custodian or guardian of the person or for
4 the restoration of the minor to the custody of the minor's
5 parents or former guardian or custodian. In the event that the
6 minor has attained 18 years of age and the guardian or
7 custodian petitions the court for an order terminating the
8 minor's guardianship or custody, guardianship or legal custody
9 shall terminate automatically 30 days after the receipt of the
10 petition unless the court orders otherwise. No legal custodian
11 or guardian of the person may be removed without the legal
12 custodian's or guardian's consent until given notice and an
13 opportunity to be heard by the court.

14 (4) If the minor is committed to the Department of
15 Juvenile Justice under Section 5-750 of this Act, the
16 Department shall notify the court in writing of the occurrence
17 of any of the following:

18 (a) a critical incident involving a youth committed to
19 the Department; as used in this paragraph (a), "critical
20 incident" means any incident that involves a serious risk
21 to the life, health, or well-being of the youth and
22 includes, but is not limited to, an accident or suicide
23 attempt resulting in serious bodily harm or
24 hospitalization, psychiatric hospitalization, alleged or
25 suspected abuse, or escape or attempted escape from
26 custody, filed within 10 days of the occurrence;

1 (b) a youth who has been released by the Prisoner
2 Review Board but remains in a Department facility solely
3 because the youth does not have an approved aftercare
4 release host site, filed within 10 days of the occurrence;

5 (c) a youth, except a youth who has been adjudicated a
6 habitual or violent juvenile offender under Section 5-815
7 or 5-820 of this Act or committed for first degree murder,
8 who has been held in a Department facility for over one
9 consecutive year; or

10 (d) if a report has been filed under paragraph (c) of
11 this subsection, a supplemental report shall be filed
12 every 6 months thereafter.

13 The notification required by this subsection (4) shall contain
14 a brief description of the incident or situation and a summary
15 of the youth's current physical, mental, and emotional health
16 and the actions the Department took in response to the
17 incident or to identify an aftercare release host site, as
18 applicable. Upon receipt of the notification, the court may
19 require the Department to make a full report under subsection
20 (1) of this Section.

21 (5) With respect to any report required to be filed with
22 the court under this Section, the Independent Juvenile
23 Ombudsperson shall provide a copy to the minor's court
24 appointed guardian ad litem, if the Department has received
25 written notice of the appointment, and to the minor's
26 attorney, if the Department has received written notice of

1 representation from the attorney. If the Department has a
2 record that a guardian has been appointed for the minor and a
3 record of the last known address of the minor's court
4 appointed guardian, the Independent Juvenile Ombudsperson
5 shall send a notice to the guardian that the report is
6 available and will be provided by the Independent Juvenile
7 Ombudsperson upon request. If the Department has no record
8 regarding the appointment of a guardian for the minor, and the
9 Department's records include the last known addresses of the
10 minor's parents, the Independent Juvenile Ombudsperson shall
11 send a notice to the parents that the report is available and
12 will be provided by the Independent Juvenile Ombudsperson upon
13 request.

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

15 Section 20. The Adoption Act is amended by changing
16 Sections 4.1 and 15.1 as follows:

17 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

18 Sec. 4.1. Adoption between multiple jurisdictions. It is
19 the public policy of this State to promote child welfare in
20 adoption between multiple jurisdictions by implementing
21 standards that foster permanency for children in an
22 expeditious manner while considering the best interests of the
23 child as paramount. Ensuring that standards for
24 interjurisdictional adoption are clear and applied

1 consistently, efficiently, and reasonably will promote the
2 best interests of the child in finding a permanent home.

3 (a) The Department of Children and Family Services shall
4 promulgate rules regarding the approval and regulation of
5 agencies providing, in this State, adoption services, as
6 defined in Section 2.24 of the Child Care Act of 1969, which
7 shall include, but not be limited to, a requirement that any
8 agency shall be licensed in this State as a child welfare
9 agency as defined in Section 2.08 of the Child Care Act of
10 1969. Any out-of-state agency, if not licensed in this State
11 as a child welfare agency, must obtain the approval of the
12 Department in order to act as a sending agency, as defined in
13 Section 1 of the Interstate Compact on Placement of Children
14 Act, seeking to place a child into this State through a
15 placement subject to the Interstate Compact on the Placement
16 of Children. An out-of-state agency, if not licensed in this
17 State as a child welfare agency, is prohibited from providing
18 in this State adoption services, as defined by Section 2.24 of
19 the Child Care Act of 1969; shall comply with Section 12C-70 of
20 the Criminal Code of 2012; and shall provide all of the
21 following to the Department:

22 (1) A copy of the agency's current license or other
23 form of authorization from the approving authority in the
24 agency's state. If no license or authorization is issued,
25 the agency must provide a reference statement, from the
26 approving authority, stating that the agency is authorized

1 to place children in foster care or adoption or both in its
2 jurisdiction.

3 (2) A description of the program, including home
4 studies, placements, and supervisions, that the child
5 welfare agency conducts within its geographical area, and,
6 if applicable, adoptive placements and the finalization of
7 adoptions. The child welfare agency must accept continued
8 responsibility for placement planning and replacement if
9 the placement fails.

10 (3) Notification to the Department of any significant
11 child welfare agency changes after approval.

12 (4) Any other information the Department may require.

13 The rules shall also provide that any agency that places
14 children for adoption in this State may not, in any policy or
15 practice relating to the placement of children for adoption,
16 discriminate against any child or prospective adoptive parent
17 on the basis of race.

18 (a-5) (Blank).

19 (b) Interstate adoptions.

20 (1) All interstate adoption placements under this Act
21 shall comply with the Child Care Act of 1969 and the
22 Interstate Compact on the Placement of Children. The
23 placement of children with relatives by the Department of
24 Children and Family Services shall also comply with
25 subsections (b) and (b-5) ~~subsection (b)~~ of Section 7 of
26 the Children and Family Services Act. The Department may

1 promulgate rules to implement interstate adoption
2 placements, including those requirements set forth in this
3 Section.

4 (2) If an adoption is finalized prior to bringing or
5 sending a child to this State, compliance with the
6 Interstate Compact on the Placement of Children is not
7 required.

8 (3) Approval requirements. The Department shall
9 promulgate procedures for interstate adoption placements
10 of children under this Act. No later than September 24,
11 2017 (30 days after the effective date of Public Act
12 100-344), the Department shall distribute a written list
13 of all preadoption approval requirements to all Illinois
14 licensed child welfare agencies performing adoption
15 services, and all out-of-state agencies approved under
16 this Section, and shall post the requirements on the
17 Department's website. The Department may not require any
18 further preadoption requirements other than those set
19 forth in the procedures required under this paragraph. The
20 procedures shall reflect the standard of review as stated
21 in the Interstate Compact on the Placement of Children and
22 approval shall be given by the Department if the placement
23 appears not to be contrary to the best interests of the
24 child.

25 (4) Time for review and decision. In all cases where
26 the child to be placed is not a youth in care in Illinois

1 or any other state, a provisional or final approval for
2 placement shall be provided in writing from the Department
3 in accordance with the Interstate Compact on the Placement
4 of Children. Approval or denial of the placement must be
5 given by the Department as soon as practicable, but in no
6 event more than 3 business days of the receipt of the
7 completed referral packet by the Department's Interstate
8 Compact Administrator. Receipt of the packet shall be
9 evidenced by the packet's arrival at the address
10 designated by the Department to receive such referrals.
11 The written decision to approve or deny the placement
12 shall be communicated in an expeditious manner, including,
13 but not limited to, electronic means referenced in
14 paragraph (b)(7) of this Section, and shall be provided to
15 all Illinois licensed child welfare agencies involved in
16 the placement, all out-of-state child placing agencies
17 involved in the placement, and all attorneys representing
18 the prospective adoptive parent or biological parent. If,
19 during its initial review of the packet, the Department
20 believes there are any incomplete or missing documents, or
21 missing information, as required in paragraph (b)(3), the
22 Department shall, as soon as practicable, but in no event
23 more than 2 business days of receipt of the packet,
24 communicate a list of any incomplete or missing documents
25 and information to all Illinois licensed child welfare
26 agencies involved in the placement, all out-of-state child

1 placing agencies involved in the placement, and all
2 attorneys representing the adoptive parent or biological
3 parent. This list shall be communicated in an expeditious
4 manner, including, but not limited to, electronic means
5 referenced in paragraph (b)(7) of this Section.

6 (5) Denial of approval. In all cases where the child
7 to be placed is not a youth in the care of any state, if
8 the Department denies approval of an interstate placement,
9 the written decision referenced in paragraph (b)(4) of
10 this Section shall set forth the reason or reasons why the
11 placement was not approved and shall reference which
12 requirements under paragraph (b)(3) of this Section were
13 not met. The written decision shall be communicated in an
14 expeditious manner, including, but not limited to,
15 electronic means referenced in paragraph (b)(7) of this
16 Section, to all Illinois licensed child welfare agencies
17 involved in the placement, all out-of-state child placing
18 agencies involved in the placement, and all attorneys
19 representing the prospective adoptive parent or biological
20 parent.

21 (6) Provisional approval. Nothing in paragraphs (b)(3)
22 through (b)(5) of this Section shall preclude the
23 Department from issuing provisional approval of the
24 placement pending receipt of any missing or incomplete
25 documents or information.

26 (7) Electronic communication. All communications

1 concerning an interstate placement made between the
2 Department and an Illinois licensed child welfare agency,
3 an out-of-state child placing agency, and attorneys
4 representing the prospective adoptive parent or biological
5 parent, including the written communications referenced in
6 this Section, may be made through any type of electronic
7 means, including, but not limited to, electronic mail.

8 (c) Intercountry adoptions. The adoption of a child, if
9 the child is a habitual resident of a country other than the
10 United States and the petitioner is a habitual resident of the
11 United States, or, if the child is a habitual resident of the
12 United States and the petitioner is a habitual resident of a
13 country other than the United States, shall comply with the
14 Intercountry Adoption Act of 2000, as amended, and the
15 Immigration and Nationality Act, as amended. In the case of an
16 intercountry adoption that requires oversight by the adoption
17 services governed by the Intercountry Adoption Universal
18 Accreditation Act of 2012, this State shall not impose any
19 additional preadoption requirements.

20 (d) (Blank).

21 (e) Re-adoption after an intercountry adoption.

22 (1) Any time after a minor child has been adopted in a
23 foreign country and has immigrated to the United States,
24 the adoptive parent or parents of the child may petition
25 the court for a judgment of adoption to re-adopt the child
26 and confirm the foreign adoption decree.

1 (2) The petitioner must submit to the court one or
2 more of the following to verify the foreign adoption:

3 (i) an immigrant visa for the child issued by
4 United States Citizenship and Immigration Services of
5 the U.S. Department of Homeland Security that was
6 valid at the time of the child's immigration;

7 (ii) a decree, judgment, certificate of adoption,
8 adoption registration, or equivalent court order,
9 entered or issued by a court of competent jurisdiction
10 or administrative body outside the United States,
11 establishing the relationship of parent and child by
12 adoption; or

13 (iii) such other evidence deemed satisfactory by
14 the court.

15 (3) The child's immigrant visa shall be prima facie
16 proof that the adoption was established in accordance with
17 the laws of the foreign jurisdiction and met United States
18 requirements for immigration.

19 (4) If the petitioner submits documentation that
20 satisfies the requirements of paragraph (2), the court
21 shall not appoint a guardian ad litem for the minor who is
22 the subject of the proceeding, shall not require any
23 further termination of parental rights of the child's
24 biological parents, nor shall it require any home study,
25 investigation, post-placement visit, or background check
26 of the petitioner.

1 (5) The petition may include a request for change of
2 the child's name and any other request for specific relief
3 that is in the best interests of the child. The relief may
4 include a request for a revised birth date for the child if
5 supported by evidence from a medical or dental
6 professional attesting to the appropriate age of the child
7 or other collateral evidence.

8 (6) Two adoptive parents who adopted a minor child
9 together in a foreign country while married to one another
10 may file a petition for adoption to re-adopt the child
11 jointly, regardless of whether their marriage has been
12 dissolved. If either parent whose marriage was dissolved
13 has subsequently remarried or entered into a civil union
14 with another person, the new spouse or civil union partner
15 shall not join in the petition to re-adopt the child,
16 unless the new spouse or civil union partner is seeking to
17 adopt the child. If either adoptive parent does not join
18 in the petition, he or she must be joined as a party
19 defendant. The defendant parent's failure to participate
20 in the re-adoption proceeding shall not affect the
21 existing parental rights or obligations of the parent as
22 they relate to the minor child, and the parent's name
23 shall be placed on any subsequent birth record issued for
24 the child as a result of the re-adoption proceeding.

25 (7) An adoptive parent who adopted a minor child in a
26 foreign country as an unmarried person may file a petition

1 for adoption to re-adopt the child as a sole petitioner,
2 even if the adoptive parent has subsequently married or
3 entered into a civil union.

4 (8) If one of the adoptive parents who adopted a minor
5 child dies prior to a re-adoption proceeding, the deceased
6 parent's name shall be placed on any subsequent birth
7 record issued for the child as a result of the re-adoption
8 proceeding.

9 (Source: P.A. 103-501, eff. 1-1-24.)

10 (750 ILCS 50/15.1) (from Ch. 40, par. 1519.1)

11 Sec. 15.1. (a) Any person over the age of 18, who has cared
12 for a child for a continuous period of one year or more as a
13 foster parent licensed under the Child Care Act of 1969 to
14 operate a foster family home, as a certified relative
15 caregiver as defined in Section 2.37 of the Child Care Act of
16 1969, or as a relative caregiver as defined in Section 4d of
17 the Children and Family Services Act, may apply to the child's
18 guardian with the power to consent to adoption, for such
19 guardian's consent.

20 (b) Such guardian shall give preference and first
21 consideration to that application over all other applications
22 for adoption of the child but the guardian's final decision
23 shall be based on the welfare and best interest of the child.
24 In arriving at this decision, the guardian shall consider all
25 relevant factors including but not limited to:

- 1 (1) the wishes of the child;
 - 2 (2) the interaction and interrelationship of the child
3 with the applicant to adopt the child;
 - 4 (3) the child's need for stability and continuity of
5 relationship with parent figures;
 - 6 (4) the wishes of the child's parent as expressed in
7 writing prior to that parent's execution of a consent or
8 surrender for adoption;
 - 9 (5) the child's adjustment to the child's ~~his~~ present
10 home, school and community;
 - 11 (6) the mental and physical health of all individuals
12 involved;
 - 13 (7) the family ties between the child and the
14 applicant to adopt the child and the value of preserving
15 family ties between the child and the child's relatives,
16 including siblings;
 - 17 (8) the background, age and living arrangements of the
18 applicant to adopt the child;
 - 19 (9) the criminal background check report presented to
20 the court as part of the investigation required under
21 Section 6 of this Act.
- 22 (c) The final determination of the propriety of the
23 adoption shall be within the sole discretion of the court,
24 which shall base its decision on the welfare and best interest
25 of the child. In arriving at this decision, the court shall
26 consider all relevant factors including but not limited to the

1 factors in subsection (b).

2 (d) If the court specifically finds that the guardian has
3 abused the guardian's ~~his~~ discretion by withholding consent to
4 an adoption in violation of the child's welfare and best
5 interests, then the court may grant an adoption, after all of
6 the other provisions of this Act have been complied with, with
7 or without the consent of the guardian with power to consent to
8 adoption. If the court specifically finds that the guardian
9 has abused the guardian's ~~his~~ discretion by granting consent
10 to an adoption in violation of the child's welfare and best
11 interests, then the court may deny an adoption even though the
12 guardian with power to consent to adoption has consented to
13 it.

14 (Source: P.A. 90-608, eff. 6-30-98.)

15 Section 99. Effective date.

16 (a) This Section and the amendatory changes made by this
17 Act to Sections 1-3, 1-5, 2-13, 2-21, 2-22, 2-27, 2-28,
18 2-28.1, and 5-745 of the Juvenile Court Act of 1987 take effect
19 upon becoming law.

20 (b) The amendatory changes made by this Act to the
21 following take effect on January 1, 2025:

22 (1) The Child Care Act of 1969.

23 (2) The Adoption Act.

24 (3) The Children and Family Services Act.

25 (c) The amendatory changes made by this Act to Sections

1 2-10, 2-23, and 2-27.3 of the Juvenile Court Act of 1987 take
2 effect on July 1, 2025."