



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2820

Introduced 1/19/2024, by Sen. Lakesia Collins

SYNOPSIS AS INTRODUCED:

15 ILCS 335/12	from Ch. 124, par. 32
20 ILCS 505/5	
305 ILCS 5/5-2	from Ch. 23, par. 5-2
705 ILCS 405/2-23	from Ch. 37, par. 802-23
705 ILCS 405/2-31	from Ch. 37, par. 802-31
705 ILCS 405/2-33	
705 ILCS 405/2-34	

Amends the Children and Family Services Act. Redefines the term "children" to include persons under the age of 23 (rather than 21) who were committed to the Department of Children and Family Services pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987 and who continue under the jurisdiction of the court. Requires the Department to provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement to wardship pursuant to the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 23 (rather than 21). Makes conforming changes in the Juvenile Court Act of 1987, the Illinois Identification Card Act, and the Medical Assistance Article of the Illinois Public Aid Code.

LRB103 37208 KTG 67327 b

1 AN ACT concerning foster youth.

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

4 Section 1. The Illinois Identification Card Act is amended
5 by changing Section 12 as follows:

6 (15 ILCS 335/12) (from Ch. 124, par. 32)

7 Sec. 12. Fees concerning standard Illinois Identification
8 Cards. The fees required under this Act for standard Illinois
9 Identification Cards must accompany any application provided
10 for in this Act, and the Secretary shall collect such fees as
11 follows:

12	a. Original card	\$20
13	b. Renewal card.....	20
14	c. Corrected card.....	10
15	d. Duplicate card.....	20
16	e. Certified copy with seal	5
17	f. (Blank)	
18	g. Applicant 65 years of age or over	No Fee
19	h. (Blank)	
20	i. Individual living in Veterans	
21	Home or Hospital	No Fee
22	j. Original card under 18 years of age	\$5
23	k. Renewal card under 18 years of age	\$5

1	l. Corrected card under 18 years of age	\$5
2	m. Duplicate card under 18 years of age	\$5
3	n. Homeless person	No Fee
4	o. Duplicate card issued to an active-duty	
5	member of the United States Armed Forces,	
6	the member's spouse, or dependent	
7	children living with the member	No Fee
8	p. Duplicate temporary card	\$5
9	q. First card issued to a youth	
10	for whom the Department of Children	
11	and Family Services is legally responsible	
12	or a foster child upon turning the age of	
13	16 years old until he or she reaches	
14	the age of <u>23</u> 21 years old	No Fee
15	r. Original card issued to a committed	
16	person upon release on parole,	
17	mandatory supervised release,	
18	aftercare release, final	
19	discharge, or pardon from the	
20	Department of Corrections or	
21	Department of Juvenile Justice	No Fee
22	s. Limited-term Illinois Identification	
23	Card issued to a committed person	
24	upon release on parole, mandatory	
25	supervised release, aftercare	
26	release, final discharge, or pardon	

1 from the Department of
 2 Corrections or Department of
 3 Juvenile Justice No Fee

4 t. Original card issued to a
 5 person up to 14 days prior
 6 to or upon conditional release
 7 or absolute discharge from
 8 the Department of Human Services No Fee

9 u. Limited-term Illinois Identification
 10 Card issued to a person up to
 11 14 days prior to or upon
 12 conditional release or absolute discharge
 13 from the Department of Human Services No Fee

14 All fees collected under this Act shall be paid into the
 15 Road Fund of the State treasury, except that the following
 16 amounts shall be paid into the General Revenue Fund: (i) 80% of
 17 the fee for an original, renewal, or duplicate Illinois
 18 Identification Card issued on or after January 1, 2005; and
 19 (ii) 80% of the fee for a corrected Illinois Identification
 20 Card issued on or after January 1, 2005.

21 An individual, who resides in a veterans home or veterans
 22 hospital operated by the State or federal government, who
 23 makes an application for an Illinois Identification Card to be
 24 issued at no fee, must submit, along with the application, an
 25 affirmation by the applicant on a form provided by the
 26 Secretary of State, that such person resides in a veterans

1 home or veterans hospital operated by the State or federal
2 government.

3 The application of a homeless individual for an Illinois
4 Identification Card to be issued at no fee must be accompanied
5 by an affirmation by a qualified person, as defined in Section
6 4C of this Act, on a form provided by the Secretary of State,
7 that the applicant is currently homeless as defined in Section
8 1A of this Act.

9 For the application for the first Illinois Identification
10 Card of a youth for whom the Department of Children and Family
11 Services is legally responsible or a foster child to be issued
12 at no fee, the youth must submit, along with the application,
13 an affirmation by his or her court appointed attorney or an
14 employee of the Department of Children and Family Services on
15 a form provided by the Secretary of State, that the person is a
16 youth for whom the Department of Children and Family Services
17 is legally responsible or a foster child.

18 The fee for any duplicate identification card shall be
19 waived for any person who presents the Secretary of State's
20 Office with a police report showing that his or her
21 identification card was stolen.

22 The fee for any duplicate identification card shall be
23 waived for any person age 60 or older whose identification
24 card has been lost or stolen.

25 As used in this Section, "active-duty member of the United
26 States Armed Forces" means a member of the Armed Services or

1 Reserve Forces of the United States or a member of the Illinois
2 National Guard who is called to active duty pursuant to an
3 executive order of the President of the United States, an act
4 of the Congress of the United States, or an order of the
5 Governor.

6 (Source: P.A. 100-201, eff. 8-18-17; 100-717, eff. 7-1-19;
7 100-827, eff. 8-13-18; 101-81, eff. 7-12-19; 101-232, eff.
8 1-1-20.)

9 Section 5. The Children and Family Services Act is amended
10 by changing Section 5 as follows:

11 (20 ILCS 505/5)

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

16 (a) For purposes of this Section:

17 (1) "Children" means persons found within the State
18 who are under the age of 18 years. The term also includes
19 persons under age 23 ~~21~~ who:

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

24 (B) were accepted for care, service and training

1 by the Department prior to the age of 18 and whose best
2 interest in the discretion of the Department would be
3 served by continuing that care, service and training
4 because of severe emotional disturbances, physical
5 disability, social adjustment or any combination
6 thereof, or because of the need to complete an
7 educational or vocational training program.

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

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

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

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

21 (C) preventing the unnecessary separation of
22 children from their families by identifying family
23 problems, assisting families in resolving their
24 problems, and preventing the breakup of the family
25 where the prevention of child removal is desirable and
26 possible when the child can be cared for at home

1 without endangering the child's health and safety;

2 (D) restoring to their families children who have
3 been removed, by the provision of services to the
4 child and the families when the child can be cared for
5 at home without endangering the child's health and
6 safety;

7 (E) placing children in suitable permanent family
8 arrangements, through guardianship or adoption, in
9 cases where restoration to the birth family is not
10 safe, possible, or appropriate;

11 (F) at the time of placement, conducting
12 concurrent planning, as described in subsection (1-1)
13 of this Section, so that permanency may occur at the
14 earliest opportunity. Consideration should be given so
15 that if reunification fails or is delayed, the
16 placement made is the best available placement to
17 provide permanency for the child;

18 (G) (blank);

19 (H) (blank); and

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

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

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

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

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

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

13 (b) (Blank).

14 (b-5) The Department shall adopt rules to establish a
15 process for all licensed residential providers in Illinois to
16 submit data as required by the Department, if they contract or
17 receive reimbursement for children's mental health, substance
18 use, and developmental disability services from the Department
19 of Human Services, the Department of Juvenile Justice, or the
20 Department of Healthcare and Family Services. The requested
21 data must include, but is not limited to, capacity, staffing,
22 and occupancy data for the purpose of establishing State need
23 and placement availability.

24 All information collected, shared, or stored pursuant to
25 this subsection shall be handled in accordance with all State
26 and federal privacy laws and accompanying regulations and

1 rules, including without limitation the federal Health
2 Insurance Portability and Accountability Act of 1996 (Public
3 Law 104-191) and the Mental Health and Developmental
4 Disabilities Confidentiality Act.

5 (c) The Department shall establish and maintain
6 tax-supported child welfare services and extend and seek to
7 improve voluntary services throughout the State, to the end
8 that services and care shall be available on an equal basis
9 throughout the State to children requiring such services.

10 (d) The Director may authorize advance disbursements for
11 any new program initiative to any agency contracting with the
12 Department. As a prerequisite for an advance disbursement, the
13 contractor must post a surety bond in the amount of the advance
14 disbursement and have a purchase of service contract approved
15 by the Department. The Department may pay up to 2 months
16 operational expenses in advance. The amount of the advance
17 disbursement shall be prorated over the life of the contract
18 or the remaining months of the fiscal year, whichever is less,
19 and the installment amount shall then be deducted from future
20 bills. Advance disbursement authorizations for new initiatives
21 shall not be made to any agency after that agency has operated
22 during 2 consecutive fiscal years. The requirements of this
23 Section concerning advance disbursements shall not apply with
24 respect to the following: payments to local public agencies
25 for child day care services as authorized by Section 5a of this
26 Act; and youth service programs receiving grant funds under

1 Section 17a-4.

2 (e) (Blank).

3 (f) (Blank).

4 (g) The Department shall establish rules and regulations
5 concerning its operation of programs designed to meet the
6 goals of child safety and protection, family preservation,
7 family reunification, and adoption, including, but not limited
8 to:

9 (1) adoption;

10 (2) foster care;

11 (3) family counseling;

12 (4) protective services;

13 (5) (blank);

14 (6) homemaker service;

15 (7) return of runaway children;

16 (8) (blank);

17 (9) placement under Section 5-7 of the Juvenile Court
18 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
19 Court Act of 1987 in accordance with the federal Adoption
20 Assistance and Child Welfare Act of 1980; and

21 (10) interstate services.

22 Rules and regulations established by the Department shall
23 include provisions for training Department staff and the staff
24 of Department grantees, through contracts with other agencies
25 or resources, in screening techniques to identify substance
26 use disorders, as defined in the Substance Use Disorder Act,

1 approved by the Department of Human Services, as a successor
2 to the Department of Alcoholism and Substance Abuse, for the
3 purpose of identifying children and adults who should be
4 referred for an assessment at an organization appropriately
5 licensed by the Department of Human Services for substance use
6 disorder treatment.

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

16 (i) Service programs shall be available throughout the
17 State and shall include but not be limited to the following
18 services:

- 19 (1) case management;
- 20 (2) homemakers;
- 21 (3) counseling;
- 22 (4) parent education;
- 23 (5) day care; and
- 24 (6) emergency assistance and advocacy.

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

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

5 The Department shall provide transportation for any of the
6 services it makes available to children or families or for
7 which it refers children or families.

8 (j) The Department may provide categories of financial
9 assistance and education assistance grants, and shall
10 establish rules and regulations concerning the assistance and
11 grants, to persons who adopt children with physical or mental
12 disabilities, children who are older, or other hard-to-place
13 children who (i) immediately prior to their adoption were
14 youth in care or (ii) were determined eligible for financial
15 assistance with respect to a prior adoption and who become
16 available for adoption because the prior adoption has been
17 dissolved and the parental rights of the adoptive parents have
18 been terminated or because the child's adoptive parents have
19 died. The Department may continue to provide financial
20 assistance and education assistance grants for a child who was
21 determined eligible for financial assistance under this
22 subsection (j) in the interim period beginning when the
23 child's adoptive parents died and ending with the finalization
24 of the new adoption of the child by another adoptive parent or
25 parents. The Department may also provide categories of
26 financial assistance and education assistance grants, and

1 shall establish rules and regulations for the assistance and
2 grants, to persons appointed guardian of the person under
3 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
4 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
5 who were youth in care for 12 months immediately prior to the
6 appointment of the guardian.

7 The amount of assistance may vary, depending upon the
8 needs of the child and the adoptive parents, as set forth in
9 the annual assistance agreement. Special purpose grants are
10 allowed where the child requires special service but such
11 costs may not exceed the amounts which similar services would
12 cost the Department if it were to provide or secure them as
13 guardian of the child.

14 Any financial assistance provided under this subsection is
15 inalienable by assignment, sale, execution, attachment,
16 garnishment, or any other remedy for recovery or collection of
17 a judgment or debt.

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

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

26 (l) The Department shall offer family preservation

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

1 The Department shall notify the child and the child's
2 family of the Department's responsibility to offer and provide
3 family preservation services as identified in the service
4 plan. The child and the child's family shall be eligible for
5 services as soon as the report is determined to be
6 "indicated". The Department may offer services to any child or
7 family with respect to whom a report of suspected child abuse
8 or neglect has been filed, prior to concluding its
9 investigation under Section 7.12 of the Abused and Neglected
10 Child Reporting Act. However, the child's or family's
11 willingness to accept services shall not be considered in the
12 investigation. The Department may also provide services to any
13 child or family who is the subject of any report of suspected
14 child abuse or neglect or may refer such child or family to
15 services available from other agencies in the community, even
16 if the report is determined to be unfounded, if the conditions
17 in the child's or family's home are reasonably likely to
18 subject the child or family to future reports of suspected
19 child abuse or neglect. Acceptance of such services shall be
20 voluntary. The Department may also provide services to any
21 child or family after completion of a family assessment, as an
22 alternative to an investigation, as provided under the
23 "differential response program" provided for in subsection
24 (a-5) of Section 7.4 of the Abused and Neglected Child
25 Reporting Act.

26 The Department may, at its discretion except for those

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

1 exists, which must be defined by departmental rule, or (iii) a
2 minor for whom the court has granted a supplemental petition
3 to reinstate wardship pursuant to subsection (2) of Section
4 2-33 of the Juvenile Court Act of 1987. An independent basis
5 exists when the allegations or adjudication of abuse, neglect,
6 or dependency do not arise from the same facts, incident, or
7 circumstances which give rise to a charge or adjudication of
8 delinquency. The Department shall assign a caseworker to
9 attend any hearing involving a youth in the care and custody of
10 the Department who is placed on aftercare release, including
11 hearings involving sanctions for violation of aftercare
12 release conditions and aftercare release revocation hearings.

13 As soon as is possible after August 7, 2009 (the effective
14 date of Public Act 96-134), the Department shall develop and
15 implement a special program of family preservation services to
16 support intact, foster, and adoptive families who are
17 experiencing extreme hardships due to the difficulty and
18 stress of caring for a child who has been diagnosed with a
19 pervasive developmental disorder if the Department determines
20 that those services are necessary to ensure the health and
21 safety of the child. The Department may offer services to any
22 family whether or not a report has been filed under the Abused
23 and Neglected Child Reporting Act. The Department may refer
24 the child or family to services available from other agencies
25 in the community if the conditions in the child's or family's
26 home are reasonably likely to subject the child or family to

1 future reports of suspected child abuse or neglect. Acceptance
2 of these services shall be voluntary. The Department shall
3 develop and implement a public information campaign to alert
4 health and social service providers and the general public
5 about these special family preservation services. The nature
6 and scope of the services offered and the number of families
7 served under the special program implemented under this
8 paragraph shall be determined by the level of funding that the
9 Department annually allocates for this purpose. The term
10 "pervasive developmental disorder" under this paragraph means
11 a neurological condition, including, but not limited to,
12 Asperger's Syndrome and autism, as defined in the most recent
13 edition of the Diagnostic and Statistical Manual of Mental
14 Disorders of the American Psychiatric Association.

15 (1-1) The General Assembly recognizes that the best
16 interests of the child require that the child be placed in the
17 most permanent living arrangement as soon as is practically
18 possible. To achieve this goal, the General Assembly directs
19 the Department of Children and Family Services to conduct
20 concurrent planning so that permanency may occur at the
21 earliest opportunity. Permanent living arrangements may
22 include prevention of placement of a child outside the home of
23 the family when the child can be cared for at home without
24 endangering the child's health or safety; reunification with
25 the family, when safe and appropriate, if temporary placement
26 is necessary; or movement of the child toward the most

1 permanent living arrangement and permanent legal status.

2 When determining reasonable efforts to be made with
3 respect to a child, as described in this subsection, and in
4 making such reasonable efforts, the child's health and safety
5 shall be the paramount concern.

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

18 A decision to place a child in substitute care shall be
19 made with considerations of the child's health, safety, and
20 best interests. At the time of placement, consideration should
21 also be given so that if reunification fails or is delayed, the
22 placement made is the best available placement to provide
23 permanency for the child.

24 The Department shall adopt rules addressing concurrent
25 planning for reunification and permanency. The Department
26 shall consider the following factors when determining

1 appropriateness of concurrent planning:

2 (1) the likelihood of prompt reunification;

3 (2) the past history of the family;

4 (3) the barriers to reunification being addressed by
5 the family;

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

7 (5) the foster parents' willingness to work with the
8 family to reunite;

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

11 (7) the age of the child;

12 (8) placement of siblings.

13 (m) The Department may assume temporary custody of any
14 child if:

15 (1) it has received a written consent to such
16 temporary custody signed by the parents of the child or by
17 the parent having custody of the child if the parents are
18 not living together or by the guardian or custodian of the
19 child if the child is not in the custody of either parent,
20 or

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

24 If the child is found in the child's residence without a
25 parent, guardian, custodian, or responsible caretaker, the
26 Department may, instead of removing the child and assuming

1 temporary custody, place an authorized representative of the
2 Department in that residence until such time as a parent,
3 guardian, or custodian enters the home and expresses a
4 willingness and apparent ability to ensure the child's health
5 and safety and resume permanent charge of the child, or until a
6 relative enters the home and is willing and able to ensure the
7 child's health and safety and assume charge of the child until
8 a parent, guardian, or custodian enters the home and expresses
9 such willingness and ability to ensure the child's safety and
10 resume permanent charge. After a caretaker has remained in the
11 home for a period not to exceed 12 hours, the Department must
12 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
13 5-415 of the Juvenile Court Act of 1987.

14 The Department shall have the authority, responsibilities
15 and duties that a legal custodian of the child would have
16 pursuant to subsection (9) of Section 1-3 of the Juvenile
17 Court Act of 1987. Whenever a child is taken into temporary
18 custody pursuant to an investigation under the Abused and
19 Neglected Child Reporting Act, or pursuant to a referral and
20 acceptance under the Juvenile Court Act of 1987 of a minor in
21 limited custody, the Department, during the period of
22 temporary custody and before the child is brought before a
23 judicial officer as required by Section 2-9, 3-11, 4-8, or
24 5-415 of the Juvenile Court Act of 1987, shall have the
25 authority, responsibilities and duties that a legal custodian
26 of the child would have under subsection (9) of Section 1-3 of

1 the Juvenile Court Act of 1987.

2 The Department shall ensure that any child taken into
3 custody is scheduled for an appointment for a medical
4 examination.

5 A parent, guardian, or custodian of a child in the
6 temporary custody of the Department who would have custody of
7 the child if the child were not in the temporary custody of the
8 Department may deliver to the Department a signed request that
9 the Department surrender the temporary custody of the child.
10 The Department may retain temporary custody of the child for
11 10 days after the receipt of the request, during which period
12 the Department may cause to be filed a petition pursuant to the
13 Juvenile Court Act of 1987. If a petition is so filed, the
14 Department shall retain temporary custody of the child until
15 the court orders otherwise. If a petition is not filed within
16 the 10-day period, the child shall be surrendered to the
17 custody of the requesting parent, guardian, or custodian not
18 later than the expiration of the 10-day period, at which time
19 the authority and duties of the Department with respect to the
20 temporary custody of the child shall terminate.

21 (m-1) The Department may place children under 18 years of
22 age in a secure child care facility licensed by the Department
23 that cares for children who are in need of secure living
24 arrangements for their health, safety, and well-being after a
25 determination is made by the facility director and the
26 Director or the Director's designate prior to admission to the

1 facility subject to Section 2-27.1 of the Juvenile Court Act
2 of 1987. This subsection (m-1) does not apply to a child who is
3 subject to placement in a correctional facility operated
4 pursuant to Section 3-15-2 of the Unified Code of Corrections,
5 unless the child is a youth in care who was placed in the care
6 of the Department before being subject to placement in a
7 correctional facility and a court of competent jurisdiction
8 has ordered placement of the child in a secure care facility.

9 (n) The Department may place children under 18 years of
10 age in licensed child care facilities when in the opinion of
11 the Department, appropriate services aimed at family
12 preservation have been unsuccessful and cannot ensure the
13 child's health and safety or are unavailable and such
14 placement would be for their best interest. Payment for board,
15 clothing, care, training and supervision of any child placed
16 in a licensed child care facility may be made by the
17 Department, by the parents or guardians of the estates of
18 those children, or by both the Department and the parents or
19 guardians, except that no payments shall be made by the
20 Department for any child placed in a licensed child care
21 facility for board, clothing, care, training, and supervision
22 of such a child that exceed the average per capita cost of
23 maintaining and of caring for a child in institutions for
24 dependent or neglected children operated by the Department.
25 However, such restriction on payments does not apply in cases
26 where children require specialized care and treatment for

1 problems of severe emotional disturbance, physical disability,
2 social adjustment, or any combination thereof and suitable
3 facilities for the placement of such children are not
4 available at payment rates within the limitations set forth in
5 this Section. All reimbursements for services delivered shall
6 be absolutely inalienable by assignment, sale, attachment, or
7 garnishment or otherwise.

8 (n-1) The Department shall provide or authorize child
9 welfare services, aimed at assisting minors to achieve
10 sustainable self-sufficiency as independent adults, for any
11 minor eligible for the reinstatement of wardship pursuant to
12 subsection (2) of Section 2-33 of the Juvenile Court Act of
13 1987, whether or not such reinstatement is sought or allowed,
14 provided that the minor consents to such services and has not
15 yet attained the age of 23 ~~21~~. The Department shall have
16 responsibility for the development and delivery of services
17 under this Section. An eligible youth may access services
18 under this Section through the Department of Children and
19 Family Services or by referral from the Department of Human
20 Services. Youth participating in services under this Section
21 shall cooperate with the assigned case manager in developing
22 an agreement identifying the services to be provided and how
23 the youth will increase skills to achieve self-sufficiency. A
24 homeless shelter is not considered appropriate housing for any
25 youth receiving child welfare services under this Section. The
26 Department shall continue child welfare services under this

1 Section to any eligible minor until the minor becomes 23 ~~21~~
2 years of age, no longer consents to participate, or achieves
3 self-sufficiency as identified in the minor's service plan.
4 The Department of Children and Family Services shall create
5 clear, readable notice of the rights of former foster youth to
6 child welfare services under this Section and how such
7 services may be obtained. The Department of Children and
8 Family Services and the Department of Human Services shall
9 disseminate this information statewide. The Department shall
10 adopt regulations describing services intended to assist
11 minors in achieving sustainable self-sufficiency as
12 independent adults.

13 (o) The Department shall establish an administrative
14 review and appeal process for children and families who
15 request or receive child welfare services from the Department.
16 Youth in care who are placed by private child welfare
17 agencies, and foster families with whom those youth are
18 placed, shall be afforded the same procedural and appeal
19 rights as children and families in the case of placement by the
20 Department, including the right to an initial review of a
21 private agency decision by that agency. The Department shall
22 ensure that any private child welfare agency, which accepts
23 youth in care for placement, affords those rights to children
24 and foster families. The Department shall accept for
25 administrative review and an appeal hearing a complaint made
26 by (i) a child or foster family concerning a decision

1 following an initial review by a private child welfare agency
2 or (ii) a prospective adoptive parent who alleges a violation
3 of subsection (j-5) of this Section. An appeal of a decision
4 concerning a change in the placement of a child shall be
5 conducted in an expedited manner. A court determination that a
6 current foster home placement is necessary and appropriate
7 under Section 2-28 of the Juvenile Court Act of 1987 does not
8 constitute a judicial determination on the merits of an
9 administrative appeal, filed by a former foster parent,
10 involving a change of placement decision.

11 (p) (Blank).

12 (q) The Department may receive and use, in their entirety,
13 for the benefit of children any gift, donation, or bequest of
14 money or other property which is received on behalf of such
15 children, or any financial benefits to which such children are
16 or may become entitled while under the jurisdiction or care of
17 the Department, except that the benefits described in Section
18 5.46 must be used and conserved consistent with the provisions
19 under Section 5.46.

20 The Department shall set up and administer no-cost,
21 interest-bearing accounts in appropriate financial
22 institutions for children for whom the Department is legally
23 responsible and who have been determined eligible for
24 Veterans' Benefits, Social Security benefits, assistance
25 allotments from the armed forces, court ordered payments,
26 parental voluntary payments, Supplemental Security Income,

1 Railroad Retirement payments, Black Lung benefits, or other
2 miscellaneous payments. Interest earned by each account shall
3 be credited to the account, unless disbursed in accordance
4 with this subsection.

5 In disbursing funds from children's accounts, the
6 Department shall:

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

15 (2) Calculate on a monthly basis the amounts paid from
16 State funds for the child's board and care, medical care
17 not covered under Medicaid, and social services; and
18 utilize funds from the child's account, as covered by
19 regulation, to reimburse those costs. Monthly,
20 disbursements from all children's accounts, up to 1/12 of
21 \$13,000,000, shall be deposited by the Department into the
22 General Revenue Fund and the balance over 1/12 of
23 \$13,000,000 into the DCFS Children's Services Fund.

24 (3) Maintain any balance remaining after reimbursing
25 for the child's costs of care, as specified in item (2).
26 The balance shall accumulate in accordance with relevant

1 State and federal laws and shall be disbursed to the child
2 or the child's guardian, or to the issuing agency.

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

19 (s) The Department of Children and Family Services may
20 establish and implement a program to reimburse Department and
21 private child welfare agency foster parents licensed by the
22 Department of Children and Family Services for damages
23 sustained by the foster parents as a result of the malicious or
24 negligent acts of foster children, as well as providing third
25 party coverage for such foster parents with regard to actions
26 of foster children to other individuals. Such coverage will be

1 secondary to the foster parent liability insurance policy, if
2 applicable. The program shall be funded through appropriations
3 from the General Revenue Fund, specifically designated for
4 such purposes.

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

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

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

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

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

1 home, the Department shall provide to the prospective adoptive
2 parent or parents or 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 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 and

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

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

1 in the presence of casework staff. In the case of an emergency
2 placement, casework staff shall at least provide known
3 information verbally, if necessary, and must subsequently
4 provide the information in writing as required by this
5 subsection.

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

21 (u-5) Effective July 1, 1995, only foster care placements
22 licensed as foster family homes pursuant to the Child Care Act
23 of 1969 shall be eligible to receive foster care payments from
24 the Department. Relative caregivers who, as of July 1, 1995,
25 were approved pursuant to approved relative placement rules
26 previously promulgated by the Department at 89 Ill. Adm. Code

1 335 and had submitted an application for licensure as a foster
2 family home may continue to receive foster care payments only
3 until the Department determines that they may be licensed as a
4 foster family home or that their application for licensure is
5 denied or until September 30, 1995, whichever occurs first.

6 (v) The Department shall access criminal history record
7 information as defined in the Illinois Uniform Conviction
8 Information Act and information maintained in the adjudicatory
9 and dispositional record system as defined in Section 2605-355
10 of the Illinois State Police Law if the Department determines
11 the information is necessary to perform its duties under the
12 Abused and Neglected Child Reporting Act, the Child Care Act
13 of 1969, and the Children and Family Services Act. The
14 Department shall provide for interactive computerized
15 communication and processing equipment that permits direct
16 on-line communication with the Illinois State Police's central
17 criminal history data repository. The Department shall comply
18 with all certification requirements and provide certified
19 operators who have been trained by personnel from the Illinois
20 State Police. In addition, one Office of the Inspector General
21 investigator shall have training in the use of the criminal
22 history information access system and have access to the
23 terminal. The Department of Children and Family Services and
24 its employees shall abide by rules and regulations established
25 by the Illinois State Police relating to the access and
26 dissemination of this information.

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

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

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

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

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

1 proper State's Attorney, or the Attorney General.

2 (y) Beginning on July 22, 2010 (the effective date of
3 Public Act 96-1189), a child with a disability who receives
4 residential and educational services from the Department shall
5 be eligible to receive transition services in accordance with
6 Article 14 of the School Code from the age of 14.5 through age
7 21, inclusive, notwithstanding the child's residential
8 services arrangement. For purposes of this subsection, "child
9 with a disability" means a child with a disability as defined
10 by the federal Individuals with Disabilities Education
11 Improvement Act of 2004.

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

1 Illinois State Police shall furnish, pursuant to positive
2 identification, all Illinois conviction information to the
3 Department of Children and Family Services.

4 For purposes of this subsection:

5 "Background information" means all of the following:

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

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

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

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

26 "Department applicant" means an individual who has

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

9 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
10 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
11 1-1-24; 103-546, eff. 8-11-23; revised 9-25-23.)

12 Section 10. The Illinois Public Aid Code is amended by
13 changing Section 5-2 as follows:

14 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

15 Sec. 5-2. Classes of persons eligible. Medical assistance
16 under this Article shall be available to any of the following
17 classes of persons in respect to whom a plan for coverage has
18 been submitted to the Governor by the Illinois Department and
19 approved by him. If changes made in this Section 5-2 require
20 federal approval, they shall not take effect until such
21 approval has been received:

22 1. Recipients of basic maintenance grants under
23 Articles III and IV.

24 2. Beginning January 1, 2014, persons otherwise

1 eligible for basic maintenance under Article III,
2 excluding any eligibility requirements that are
3 inconsistent with any federal law or federal regulation,
4 as interpreted by the U.S. Department of Health and Human
5 Services, but who fail to qualify thereunder on the basis
6 of need, and who have insufficient income and resources to
7 meet the costs of necessary medical care, including, but
8 not limited to, the following:

9 (a) All persons otherwise eligible for basic
10 maintenance under Article III but who fail to qualify
11 under that Article on the basis of need and who meet
12 either of the following requirements:

13 (i) their income, as determined by the
14 Illinois Department in accordance with any federal
15 requirements, is equal to or less than 100% of the
16 federal poverty level; or

17 (ii) their income, after the deduction of
18 costs incurred for medical care and for other
19 types of remedial care, is equal to or less than
20 100% of the federal poverty level.

21 (b) (Blank).

22 3. (Blank).

23 4. Persons not eligible under any of the preceding
24 paragraphs who fall sick, are injured, or die, not having
25 sufficient money, property or other resources to meet the
26 costs of necessary medical care or funeral and burial

1 expenses.

2 5.(a) Beginning January 1, 2020, individuals during
3 pregnancy and during the 12-month period beginning on the
4 last day of the pregnancy, together with their infants,
5 whose income is at or below 200% of the federal poverty
6 level. Until September 30, 2019, or sooner if the
7 maintenance of effort requirements under the Patient
8 Protection and Affordable Care Act are eliminated or may
9 be waived before then, individuals during pregnancy and
10 during the 12-month period beginning on the last day of
11 the pregnancy, whose countable monthly income, after the
12 deduction of costs incurred for medical care and for other
13 types of remedial care as specified in administrative
14 rule, is equal to or less than the Medical Assistance-No
15 Grant(C) (MANG(C)) Income Standard in effect on April 1,
16 2013 as set forth in administrative rule.

17 (b) The plan for coverage shall provide ambulatory
18 prenatal care to pregnant individuals during a presumptive
19 eligibility period and establish an income eligibility
20 standard that is equal to 200% of the federal poverty
21 level, provided that costs incurred for medical care are
22 not taken into account in determining such income
23 eligibility.

24 (c) The Illinois Department may conduct a
25 demonstration in at least one county that will provide
26 medical assistance to pregnant individuals together with

1 their infants and children up to one year of age, where the
2 income eligibility standard is set up to 185% of the
3 nonfarm income official poverty line, as defined by the
4 federal Office of Management and Budget. The Illinois
5 Department shall seek and obtain necessary authorization
6 provided under federal law to implement such a
7 demonstration. Such demonstration may establish resource
8 standards that are not more restrictive than those
9 established under Article IV of this Code.

10 6. (a) Subject to federal approval, children younger
11 than age 19 when countable income is at or below 313% of
12 the federal poverty level, as determined by the Department
13 and in accordance with all applicable federal
14 requirements. The Department is authorized to adopt
15 emergency rules to implement the changes made to this
16 paragraph by Public Act 102-43. Until September 30, 2019,
17 or sooner if the maintenance of effort requirements under
18 the Patient Protection and Affordable Care Act are
19 eliminated or may be waived before then, children younger
20 than age 19 whose countable monthly income, after the
21 deduction of costs incurred for medical care and for other
22 types of remedial care as specified in administrative
23 rule, is equal to or less than the Medical Assistance-No
24 Grant(C) (MANG(C)) Income Standard in effect on April 1,
25 2013 as set forth in administrative rule.

26 (b) Children and youth who are under temporary custody

1 or guardianship of the Department of Children and Family
2 Services or who receive financial assistance in support of
3 an adoption or guardianship placement from the Department
4 of Children and Family Services.

5 7. (Blank).

6 8. As required under federal law, persons who are
7 eligible for Transitional Medical Assistance as a result
8 of an increase in earnings or child or spousal support
9 received. The plan for coverage for this class of persons
10 shall:

11 (a) extend the medical assistance coverage to the
12 extent required by federal law; and

13 (b) offer persons who have initially received 6
14 months of the coverage provided in paragraph (a)
15 above, the option of receiving an additional 6 months
16 of coverage, subject to the following:

17 (i) such coverage shall be pursuant to
18 provisions of the federal Social Security Act;

19 (ii) such coverage shall include all services
20 covered under Illinois' State Medicaid Plan;

21 (iii) no premium shall be charged for such
22 coverage; and

23 (iv) such coverage shall be suspended in the
24 event of a person's failure without good cause to
25 file in a timely fashion reports required for this
26 coverage under the Social Security Act and

1 coverage shall be reinstated upon the filing of
2 such reports if the person remains otherwise
3 eligible.

4 9. Persons with acquired immunodeficiency syndrome
5 (AIDS) or with AIDS-related conditions with respect to
6 whom there has been a determination that but for home or
7 community-based services such individuals would require
8 the level of care provided in an inpatient hospital,
9 skilled nursing facility or intermediate care facility the
10 cost of which is reimbursed under this Article. Assistance
11 shall be provided to such persons to the maximum extent
12 permitted under Title XIX of the Federal Social Security
13 Act.

14 10. Participants in the long-term care insurance
15 partnership program established under the Illinois
16 Long-Term Care Partnership Program Act who meet the
17 qualifications for protection of resources described in
18 Section 15 of that Act.

19 11. Persons with disabilities who are employed and
20 eligible for Medicaid, pursuant to Section
21 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
22 subject to federal approval, persons with a medically
23 improved disability who are employed and eligible for
24 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
25 the Social Security Act, as provided by the Illinois
26 Department by rule. In establishing eligibility standards

1 under this paragraph 11, the Department shall, subject to
2 federal approval:

3 (a) set the income eligibility standard at not
4 lower than 350% of the federal poverty level;

5 (b) exempt retirement accounts that the person
6 cannot access without penalty before the age of 59
7 1/2, and medical savings accounts established pursuant
8 to 26 U.S.C. 220;

9 (c) allow non-exempt assets up to \$25,000 as to
10 those assets accumulated during periods of eligibility
11 under this paragraph 11; and

12 (d) continue to apply subparagraphs (b) and (c) in
13 determining the eligibility of the person under this
14 Article even if the person loses eligibility under
15 this paragraph 11.

16 12. Subject to federal approval, persons who are
17 eligible for medical assistance coverage under applicable
18 provisions of the federal Social Security Act and the
19 federal Breast and Cervical Cancer Prevention and
20 Treatment Act of 2000. Those eligible persons are defined
21 to include, but not be limited to, the following persons:

22 (1) persons who have been screened for breast or
23 cervical cancer under the U.S. Centers for Disease
24 Control and Prevention Breast and Cervical Cancer
25 Program established under Title XV of the federal
26 Public Health Service Act in accordance with the

1 requirements of Section 1504 of that Act as
2 administered by the Illinois Department of Public
3 Health; and

4 (2) persons whose screenings under the above
5 program were funded in whole or in part by funds
6 appropriated to the Illinois Department of Public
7 Health for breast or cervical cancer screening.

8 "Medical assistance" under this paragraph 12 shall be
9 identical to the benefits provided under the State's
10 approved plan under Title XIX of the Social Security Act.
11 The Department must request federal approval of the
12 coverage under this paragraph 12 within 30 days after July
13 3, 2001 (the effective date of Public Act 92-47).

14 In addition to the persons who are eligible for
15 medical assistance pursuant to subparagraphs (1) and (2)
16 of this paragraph 12, and to be paid from funds
17 appropriated to the Department for its medical programs,
18 any uninsured person as defined by the Department in rules
19 residing in Illinois who is younger than 65 years of age,
20 who has been screened for breast and cervical cancer in
21 accordance with standards and procedures adopted by the
22 Department of Public Health for screening, and who is
23 referred to the Department by the Department of Public
24 Health as being in need of treatment for breast or
25 cervical cancer is eligible for medical assistance
26 benefits that are consistent with the benefits provided to

1 those persons described in subparagraphs (1) and (2).
2 Medical assistance coverage for the persons who are
3 eligible under the preceding sentence is not dependent on
4 federal approval, but federal moneys may be used to pay
5 for services provided under that coverage upon federal
6 approval.

7 13. Subject to appropriation and to federal approval,
8 persons living with HIV/AIDS who are not otherwise
9 eligible under this Article and who qualify for services
10 covered under Section 5-5.04 as provided by the Illinois
11 Department by rule.

12 14. Subject to the availability of funds for this
13 purpose, the Department may provide coverage under this
14 Article to persons who reside in Illinois who are not
15 eligible under any of the preceding paragraphs and who
16 meet the income guidelines of paragraph 2(a) of this
17 Section and (i) have an application for asylum pending
18 before the federal Department of Homeland Security or on
19 appeal before a court of competent jurisdiction and are
20 represented either by counsel or by an advocate accredited
21 by the federal Department of Homeland Security and
22 employed by a not-for-profit organization in regard to
23 that application or appeal, or (ii) are receiving services
24 through a federally funded torture treatment center.
25 Medical coverage under this paragraph 14 may be provided
26 for up to 24 continuous months from the initial

1 eligibility date so long as an individual continues to
2 satisfy the criteria of this paragraph 14. If an
3 individual has an appeal pending regarding an application
4 for asylum before the Department of Homeland Security,
5 eligibility under this paragraph 14 may be extended until
6 a final decision is rendered on the appeal. The Department
7 may adopt rules governing the implementation of this
8 paragraph 14.

9 15. Family Care Eligibility.

10 (a) On and after July 1, 2012, a parent or other
11 caretaker relative who is 19 years of age or older when
12 countable income is at or below 133% of the federal
13 poverty level. A person may not spend down to become
14 eligible under this paragraph 15.

15 (b) Eligibility shall be reviewed annually.

16 (c) (Blank).

17 (d) (Blank).

18 (e) (Blank).

19 (f) (Blank).

20 (g) (Blank).

21 (h) (Blank).

22 (i) Following termination of an individual's
23 coverage under this paragraph 15, the individual must
24 be determined eligible before the person can be
25 re-enrolled.

26 16. Subject to appropriation, uninsured persons who

1 are not otherwise eligible under this Section who have
2 been certified and referred by the Department of Public
3 Health as having been screened and found to need
4 diagnostic evaluation or treatment, or both diagnostic
5 evaluation and treatment, for prostate or testicular
6 cancer. For the purposes of this paragraph 16, uninsured
7 persons are those who do not have creditable coverage, as
8 defined under the Health Insurance Portability and
9 Accountability Act, or have otherwise exhausted any
10 insurance benefits they may have had, for prostate or
11 testicular cancer diagnostic evaluation or treatment, or
12 both diagnostic evaluation and treatment. To be eligible,
13 a person must furnish a Social Security number. A person's
14 assets are exempt from consideration in determining
15 eligibility under this paragraph 16. Such persons shall be
16 eligible for medical assistance under this paragraph 16
17 for so long as they need treatment for the cancer. A person
18 shall be considered to need treatment if, in the opinion
19 of the person's treating physician, the person requires
20 therapy directed toward cure or palliation of prostate or
21 testicular cancer, including recurrent metastatic cancer
22 that is a known or presumed complication of prostate or
23 testicular cancer and complications resulting from the
24 treatment modalities themselves. Persons who require only
25 routine monitoring services are not considered to need
26 treatment. "Medical assistance" under this paragraph 16

1 shall be identical to the benefits provided under the
2 State's approved plan under Title XIX of the Social
3 Security Act. Notwithstanding any other provision of law,
4 the Department (i) does not have a claim against the
5 estate of a deceased recipient of services under this
6 paragraph 16 and (ii) does not have a lien against any
7 homestead property or other legal or equitable real
8 property interest owned by a recipient of services under
9 this paragraph 16.

10 17. Persons who, pursuant to a waiver approved by the
11 Secretary of the U.S. Department of Health and Human
12 Services, are eligible for medical assistance under Title
13 XIX or XXI of the federal Social Security Act.
14 Notwithstanding any other provision of this Code and
15 consistent with the terms of the approved waiver, the
16 Illinois Department, may by rule:

17 (a) Limit the geographic areas in which the waiver
18 program operates.

19 (b) Determine the scope, quantity, duration, and
20 quality, and the rate and method of reimbursement, of
21 the medical services to be provided, which may differ
22 from those for other classes of persons eligible for
23 assistance under this Article.

24 (c) Restrict the persons' freedom in choice of
25 providers.

26 18. Beginning January 1, 2014, persons aged 19 or

1 older, but younger than 65, who are not otherwise eligible
2 for medical assistance under this Section 5-2, who qualify
3 for medical assistance pursuant to 42 U.S.C.
4 1396a(a)(10)(A)(i)(VIII) and applicable federal
5 regulations, and who have income at or below 133% of the
6 federal poverty level plus 5% for the applicable family
7 size as determined pursuant to 42 U.S.C. 1396a(e)(14) and
8 applicable federal regulations. Persons eligible for
9 medical assistance under this paragraph 18 shall receive
10 coverage for the Health Benefits Service Package as that
11 term is defined in subsection (m) of Section 5-1.1 of this
12 Code. If Illinois' federal medical assistance percentage
13 (FMAP) is reduced below 90% for persons eligible for
14 medical assistance under this paragraph 18, eligibility
15 under this paragraph 18 shall cease no later than the end
16 of the third month following the month in which the
17 reduction in FMAP takes effect.

18 19. Beginning January 1, 2014, as required under 42
19 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18
20 and younger than age 26 who are not otherwise eligible for
21 medical assistance under paragraphs (1) through (17) of
22 this Section who (i) were in foster care under the
23 responsibility of the State on the date of attaining age
24 18 or on the date of attaining age 22 ~~21~~ when a court has
25 continued wardship for good cause as provided in Section
26 2-31 of the Juvenile Court Act of 1987 and (ii) received

1 medical assistance under the Illinois Title XIX State Plan
2 or waiver of such plan while in foster care.

3 20. Beginning January 1, 2018, persons who are
4 foreign-born victims of human trafficking, torture, or
5 other serious crimes as defined in Section 2-19 of this
6 Code and their derivative family members if such persons:
7 (i) reside in Illinois; (ii) are not eligible under any of
8 the preceding paragraphs; (iii) meet the income guidelines
9 of subparagraph (a) of paragraph 2; and (iv) meet the
10 nonfinancial eligibility requirements of Sections 16-2,
11 16-3, and 16-5 of this Code. The Department may extend
12 medical assistance for persons who are foreign-born
13 victims of human trafficking, torture, or other serious
14 crimes whose medical assistance would be terminated
15 pursuant to subsection (b) of Section 16-5 if the
16 Department determines that the person, during the year of
17 initial eligibility (1) experienced a health crisis, (2)
18 has been unable, after reasonable attempts, to obtain
19 necessary information from a third party, or (3) has other
20 extenuating circumstances that prevented the person from
21 completing his or her application for status. The
22 Department may adopt any rules necessary to implement the
23 provisions of this paragraph.

24 21. Persons who are not otherwise eligible for medical
25 assistance under this Section who may qualify for medical
26 assistance pursuant to 42 U.S.C.

1 1396a(a)(10)(A)(ii)(XXIII) and 42 U.S.C. 1396(ss) for the
2 duration of any federal or State declared emergency due to
3 COVID-19. Medical assistance to persons eligible for
4 medical assistance solely pursuant to this paragraph 21
5 shall be limited to any in vitro diagnostic product (and
6 the administration of such product) described in 42 U.S.C.
7 1396d(a)(3)(B) on or after March 18, 2020, any visit
8 described in 42 U.S.C. 1396o(a)(2)(G), or any other
9 medical assistance that may be federally authorized for
10 this class of persons. The Department may also cover
11 treatment of COVID-19 for this class of persons, or any
12 similar category of uninsured individuals, to the extent
13 authorized under a federally approved 1115 Waiver or other
14 federal authority. Notwithstanding the provisions of
15 Section 1-11 of this Code, due to the nature of the
16 COVID-19 public health emergency, the Department may cover
17 and provide the medical assistance described in this
18 paragraph 21 to noncitizens who would otherwise meet the
19 eligibility requirements for the class of persons
20 described in this paragraph 21 for the duration of the
21 State emergency period.

22 In implementing the provisions of Public Act 96-20, the
23 Department is authorized to adopt only those rules necessary,
24 including emergency rules. Nothing in Public Act 96-20 permits
25 the Department to adopt rules or issue a decision that expands
26 eligibility for the FamilyCare Program to a person whose

1 income exceeds 185% of the Federal Poverty Level as determined
2 from time to time by the U.S. Department of Health and Human
3 Services, unless the Department is provided with express
4 statutory authority.

5 The eligibility of any such person for medical assistance
6 under this Article is not affected by the payment of any grant
7 under the Senior Citizens and Persons with Disabilities
8 Property Tax Relief Act or any distributions or items of
9 income described under subparagraph (X) of paragraph (2) of
10 subsection (a) of Section 203 of the Illinois Income Tax Act.

11 The Department shall by rule establish the amounts of
12 assets to be disregarded in determining eligibility for
13 medical assistance, which shall at a minimum equal the amounts
14 to be disregarded under the Federal Supplemental Security
15 Income Program. The amount of assets of a single person to be
16 disregarded shall not be less than \$2,000, and the amount of
17 assets of a married couple to be disregarded shall not be less
18 than \$3,000.

19 To the extent permitted under federal law, any person
20 found guilty of a second violation of Article VIII A shall be
21 ineligible for medical assistance under this Article, as
22 provided in Section 8A-8.

23 The eligibility of any person for medical assistance under
24 this Article shall not be affected by the receipt by the person
25 of donations or benefits from fundraisers held for the person
26 in cases of serious illness, as long as neither the person nor

1 members of the person's family have actual control over the
2 donations or benefits or the disbursement of the donations or
3 benefits.

4 Notwithstanding any other provision of this Code, if the
5 United States Supreme Court holds Title II, Subtitle A,
6 Section 2001(a) of Public Law 111-148 to be unconstitutional,
7 or if a holding of Public Law 111-148 makes Medicaid
8 eligibility allowed under Section 2001(a) inoperable, the
9 State or a unit of local government shall be prohibited from
10 enrolling individuals in the Medical Assistance Program as the
11 result of federal approval of a State Medicaid waiver on or
12 after June 14, 2012 (the effective date of Public Act 97-687),
13 and any individuals enrolled in the Medical Assistance Program
14 pursuant to eligibility permitted as a result of such a State
15 Medicaid waiver shall become immediately ineligible.

16 Notwithstanding any other provision of this Code, if an
17 Act of Congress that becomes a Public Law eliminates Section
18 2001(a) of Public Law 111-148, the State or a unit of local
19 government shall be prohibited from enrolling individuals in
20 the Medical Assistance Program as the result of federal
21 approval of a State Medicaid waiver on or after June 14, 2012
22 (the effective date of Public Act 97-687), and any individuals
23 enrolled in the Medical Assistance Program pursuant to
24 eligibility permitted as a result of such a State Medicaid
25 waiver shall become immediately ineligible.

26 Effective October 1, 2013, the determination of

1 eligibility of persons who qualify under paragraphs 5, 6, 8,
2 15, 17, and 18 of this Section shall comply with the
3 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal
4 regulations.

5 The Department of Healthcare and Family Services, the
6 Department of Human Services, and the Illinois health
7 insurance marketplace shall work cooperatively to assist
8 persons who would otherwise lose health benefits as a result
9 of changes made under Public Act 98-104 to transition to other
10 health insurance coverage.

11 (Source: P.A. 101-10, eff. 6-5-19; 101-649, eff. 7-7-20;
12 102-43, eff. 7-6-21; 102-558, eff. 8-20-21; 102-665, eff.
13 10-8-21; 102-813, eff. 5-13-22.)

14 Section 15. The Juvenile Court Act of 1987 is amended by
15 changing Sections 2-23, 2-31, 2-33, and 2-34 as follows:

16 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

20 (a) A minor found to be neglected or abused under
21 Section 2-3 or dependent under Section 2-4 may be (1)
22 continued in the custody of the minor's parents, guardian
23 or legal custodian; (2) placed in accordance with Section
24 2-27; (3) restored to the custody of the parent, parents,

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

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

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

1 legal custodian to care for the minor without endangering
2 the minor's health or safety, and the court enters an
3 order that such parent, guardian or legal custodian is fit
4 to care for the minor.

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

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

21 (b-1) A minor between the ages of 18 and 23 ~~24~~ may be
22 placed pursuant to Section 2-27 of this Act if (1) the
23 court has granted a supplemental petition to reinstate
24 wardship of the minor pursuant to subsection (2) of
25 Section 2-33, (2) the court has adjudicated the minor a
26 ward of the court, permitted the minor to return home

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

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

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

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

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

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

9 (3.5) If, after reviewing the evidence, including evidence
10 from the Department, the court determines that the minor's
11 current or planned placement is not necessary or appropriate
12 to facilitate achievement of the permanency goal, the court
13 shall put in writing the factual basis supporting its
14 determination and enter specific findings based on the
15 evidence. If the court finds that the minor's current or
16 planned placement is not necessary or appropriate, the court
17 may enter an order directing the Department to implement a
18 recommendation by the minor's treating clinician or a
19 clinician contracted by the Department to evaluate the minor
20 or a recommendation made by the Department. If the Department
21 places a minor in a placement under an order entered under this
22 subsection (3.5), the Department has the authority to remove
23 the minor from that placement when a change in circumstances
24 necessitates the removal to protect the minor's health,
25 safety, and best interest. If the Department determines
26 removal is necessary, the Department shall notify the parties

1 of the planned placement change in writing no later than 10
2 days prior to the implementation of its determination unless
3 remaining in the placement poses an imminent risk of harm to
4 the minor, in which case the Department shall notify the
5 parties of the placement change in writing immediately
6 following the implementation of its decision. The Department
7 shall notify others of the decision to change the minor's
8 placement as required by Department rule.

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

18 (5) Any order for disposition where the minor is committed
19 or placed in accordance with Section 2-27 shall provide for
20 the parents or guardian of the estate of such minor to pay to
21 the legal custodian or guardian of the person of the minor such
22 sums as are determined by the custodian or guardian of the
23 person of the minor as necessary for the minor's needs. Such
24 payments may not exceed the maximum amounts provided for by
25 Section 9.1 of the Children and Family Services Act.

26 (6) Whenever the order of disposition requires the minor

1 to attend school or participate in a program of training, the
2 truant officer or designated school official shall regularly
3 report to the court if the minor is a chronic or habitual
4 truant under Section 26-2a of the School Code.

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

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

9 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

10 Sec. 2-31. Duration of wardship and discharge of
11 proceedings.

12 (1) All proceedings under Article II of this Act in
13 respect of any minor automatically terminate upon the minor
14 attaining the age of 23 ~~21~~ years.

15 (2) Whenever the court determines, and makes written
16 factual findings, that health, safety, and the best interests
17 of the minor and the public no longer require the wardship of
18 the court, the court shall order the wardship terminated and
19 all proceedings under this Act respecting that minor finally
20 closed and discharged. The court may at the same time continue
21 or terminate any custodianship or guardianship theretofore
22 ordered but the termination must be made in compliance with
23 Section 2-28. When terminating wardship under this Section, if
24 the minor is over 18 or if wardship is terminated in
25 conjunction with an order partially or completely emancipating

1 the minor in accordance with the Emancipation of Minors Act,
2 the court shall also consider the following factors, in
3 addition to the health, safety, and best interest of the minor
4 and the public: (A) the minor's wishes regarding case closure;
5 (B) the manner in which the minor will maintain independence
6 without services from the Department; (C) the minor's
7 engagement in services including placement offered by the
8 Department; (D) if the minor is not engaged, the Department's
9 efforts to engage the minor; (E) the nature of communication
10 between the minor and the Department; (F) the minor's
11 involvement in other State systems or services; (G) the
12 minor's connections with family and other community support;
13 and (H) any other factor the court deems relevant. The minor's
14 lack of cooperation with services provided by the Department
15 of Children and Family Services shall not by itself be
16 considered sufficient evidence that the minor is prepared to
17 live independently and that it is in the best interest of the
18 minor to terminate wardship. It shall not be in the minor's
19 best interest to terminate wardship of a minor over the age of
20 18 who is in the guardianship of the Department of Children and
21 Family Services if the Department has not made reasonable
22 efforts to ensure that the minor has documents necessary for
23 adult living as provided in Section 35.10 of the Children and
24 Family Services Act.

25 (3) The wardship of the minor and any custodianship or
26 guardianship respecting the minor for whom a petition was

1 filed after July 24, 1991 (the effective date of Public Act
2 87-14) automatically terminates when the minor attains the age
3 of 19 years, except as set forth in subsection (1) of this
4 Section. The clerk of the court shall at that time record all
5 proceedings under this Act as finally closed and discharged
6 for that reason. The provisions of this subsection (3) become
7 inoperative on and after July 12, 2019 (the effective date of
8 Public Act 101-78).

9 (4) Notwithstanding any provision of law to the contrary,
10 the changes made by Public Act 101-78 apply to all cases that
11 are pending on or after July 12, 2019 (the effective date of
12 Public Act 101-78).

13 (Source: P.A. 102-558, eff. 8-20-21; 103-22, eff. 8-8-23.)

14 (705 ILCS 405/2-33)

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

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

19 (a) wardship and guardianship under the Juvenile Court
20 Act of 1987 was vacated in conjunction with the
21 appointment of a private guardian under the Probate Act of
22 1975;

23 (b) the minor is not presently a ward of the court
24 under Article II of this Act nor is there a petition for
25 adjudication of wardship pending on behalf of the minor;

1 and

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

4 (2) Any time prior to a minor's 23rd ~~21st~~ birthday,
5 pursuant to a supplemental petition filed under this Section,
6 the court may reinstate wardship and open a previously closed
7 case when:

8 (a) wardship and guardianship under this Act was
9 vacated pursuant to:

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

12 (ii) closure of a case under subsection (2) of
13 Section 2-31 in the case of a minor under the age of 18
14 who has been partially or completely emancipated in
15 accordance with the Emancipation of Minors Act; or

16 (iii) an order entered under subsection (3) of
17 Section 2-31 based on the minor's attaining the age of
18 19 years before the effective date of this amendatory
19 Act of the 101st General Assembly;

20 (b) the minor is not presently a ward of the court
21 under Article II of this Act nor is there a petition for
22 adjudication of wardship pending on behalf of the minor;
23 and

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

26 (3) The supplemental petition must be filed in the same

1 proceeding in which the original adjudication order was
2 entered. Unless excused by court for good cause shown, the
3 petitioner shall give notice of the time and place of the
4 hearing on the supplemental petition, in person or by mail, to
5 the minor, if the minor is 14 years of age or older, and to the
6 parties to the juvenile court proceeding. Notice shall be
7 provided at least 3 court days in advance of the hearing date.

8 (3.5) Whenever a petition is filed to reinstate wardship
9 pursuant to subsection (1), prior to granting the petition,
10 the court may order the Department of Children and Family
11 Services to assess the minor's current and proposed living
12 arrangements and to provide ongoing monitoring of the health,
13 safety, and best interest of the minor during the pendency of
14 the petition to assist the court in making that determination.

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

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

23 (a) Within 30 days of such commitment, prepare and
24 file with the court a case plan which complies with the
25 federal Adoption Assistance and Child Welfare Act of 1980
26 and is consistent with the health, safety and best

1 interests of the minor; and

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

5 (Source: P.A. 101-78, eff. 7-12-19; 102-489, eff. 8-20-21.)

6 (705 ILCS 405/2-34)

7 Sec. 2-34. Motion to reinstate parental rights.

8 (1) For purposes of this subsection (1), the term "parent"
9 refers to the person or persons whose rights were terminated
10 as described in paragraph (a) of this subsection; and the term
11 "minor" means a person under the age of 23 ~~21~~ years subject to
12 this Act for whom the Department of Children and Family
13 Services Guardianship Administrator is appointed the temporary
14 custodian or guardian.

15 A motion to reinstate parental rights may be filed only by
16 the Department of Children and Family Services or the minor
17 regarding any minor who is presently a ward of the court under
18 Article II of this Act when all the conditions set out in
19 paragraphs (a), (b), (c), (d), (e), (f), and (g) of this
20 subsection (1) are met:

21 (a) while the minor was under the jurisdiction of the
22 court under Article II of this Act, the minor's parent or
23 parents surrendered the minor for adoption to an agency
24 legally authorized to place children for adoption, or the
25 minor's parent or parents consented to the minor's

1 adoption, or the minor's parent or parents consented to
2 the minor's adoption by a specified person or persons, or
3 the parent or parents' rights were terminated pursuant to
4 a finding of unfitness pursuant to Section 2-29 of this
5 Act and a guardian was appointed with the power to consent
6 to adoption pursuant to Section 2-29 of this Act; and

7 (b) (i) since the signing of the surrender, the
8 signing of the consent, or the unfitness finding, the
9 minor has remained a ward of the Court under Article II of
10 this Act; or

11 (ii) the minor was made a ward of the Court, the minor
12 was placed in the private guardianship of an individual or
13 individuals, and after the appointment of a private
14 guardian and a new petition alleging abuse, neglect, or
15 dependency pursuant to Section 2-3 or 2-4 is filed, and
16 the minor is again found by the court to be abused,
17 neglected or dependent; or a supplemental petition to
18 reinstate wardship is filed pursuant to Section 2-33, and
19 the court reinstates wardship; or

20 (iii) the minor was made a ward of the Court, wardship
21 was terminated after the minor was adopted, after the
22 adoption a new petition alleging abuse, neglect, or
23 dependency pursuant to Section 2-3 or 2-4 is filed, and
24 the minor is again found by the court to be abused,
25 neglected, or dependent, and either (i) the adoptive
26 parent or parents are deceased, (ii) the adoptive parent

1 or parents signed a surrender of parental rights, or (iii)
2 the parental rights of the adoptive parent or parents were
3 terminated;

4 (c) the minor is not currently in a placement likely
5 to achieve permanency;

6 (d) it is in the minor's best interest that parental
7 rights be reinstated;

8 (e) the parent named in the motion wishes parental
9 rights to be reinstated and is currently appropriate to
10 have rights reinstated;

11 (f) more than 3 years have lapsed since the signing of
12 the consent or surrender, or the entry of the order
13 appointing a guardian with the power to consent to
14 adoption;

15 (g) (i) the child is 13 years of age or older or (ii)
16 the child is the younger sibling of such child, 13 years of
17 age or older, for whom reinstatement of parental rights is
18 being sought and the younger sibling independently meets
19 the criteria set forth in paragraphs (a) through (h) of
20 this subsection; and

21 (h) if the court has previously denied a motion to
22 reinstate parental rights filed by the Department, there
23 has been a substantial change in circumstances following
24 the denial of the earlier motion.

25 (2) The motion may be filed only by the Department of
26 Children and Family Services or by the minor. Unless excused

1 by the court for good cause shown, the movant shall give notice
2 of the time and place of the hearing on the motion, in person
3 or by mail, to the parties to the juvenile court proceeding.
4 Notice shall be provided at least 14 days in advance of the
5 hearing date. The motion shall include the allegations
6 required in subsection (1) of this Section.

7 (3) Any party may file a motion to dismiss the motion with
8 prejudice on the basis that the parent has intentionally acted
9 to prevent the child from being adopted, after parental rights
10 were terminated or the parent intentionally acted to disrupt
11 the child's adoption. If the court finds by a preponderance of
12 the evidence that the parent has intentionally acted to
13 prevent the child from being adopted, after parental rights
14 were terminated or that the parent intentionally acted to
15 disrupt the child's adoption, the court shall dismiss the
16 petition with prejudice.

17 (4) The court shall not grant a motion for reinstatement
18 of parental rights unless the court finds that the motion is
19 supported by clear and convincing evidence. In ruling on a
20 motion to reinstate parental rights, the court shall make
21 findings consistent with the requirements in subsection (1) of
22 this Section. The court shall consider the reasons why the
23 child was initially brought to the attention of the court, the
24 history of the child's case as it relates to the parent seeking
25 reinstatement, and the current circumstances of the parent for
26 whom reinstatement of rights is sought. If reinstatement is

1 being considered subsequent to a finding of unfitness pursuant
2 to Section 2-29 of this Act having been entered with respect to
3 the parent whose rights are being restored, the court in
4 determining the minor's best interest shall consider, in
5 addition to the factors set forth in paragraph (4.05) of
6 Section 1-3 of this Act, the specific grounds upon which the
7 unfitness findings were made. Upon the entry of an order
8 granting a motion to reinstate parental rights, parental
9 rights of the parent named in the order shall be reinstated,
10 any previous order appointing a guardian with the power to
11 consent to adoption shall be void and with respect to the
12 parent named in the order, any consent shall be void.

13 (5) If the case is post-disposition, the court, upon the
14 entry of an order granting a motion to reinstate parental
15 rights, shall schedule the matter for a permanency hearing
16 pursuant to Section 2-28 of this Act within 45 days.

17 (6) Custody of the minor shall not be restored to the
18 parent, except by order of court pursuant to subsection (4) of
19 Section 2-28 of this Act.

20 (7) In any case involving a child over the age of 13 who
21 meets the criteria established in this Section for
22 reinstatement of parental rights, the Department of Children
23 and Family Services shall conduct an assessment of the child's
24 circumstances to assist in future planning for the child,
25 including, but not limited to a determination regarding the
26 appropriateness of filing a motion to reinstate parental

1 rights.

2 (8) (Blank).

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