

# SB3251



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3251

Introduced 2/6/2024, by Sen. Tom Bennett

### SYNOPSIS AS INTRODUCED:

|                   |                          |
|-------------------|--------------------------|
| 705 ILCS 405/2-13 | from Ch. 37, par. 802-13 |
| 705 ILCS 405/2-23 | from Ch. 37, par. 802-23 |
| 705 ILCS 405/2-28 |                          |

Amends the Juvenile Court Act of 1987. Provides a statutory form for a petition for adjudication of wardship. Deletes language prohibiting the court from ordering specific placements, specific services, or the use of specific service providers.

LRB103 38045 JRC 68177 b

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 2-13, 2-23, and 2-28 as follows:

6 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)  
7 Sec. 2-13. Petition.

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

15 (2) The petition shall be verified but the statements may  
16 be made upon information and belief. It shall allege that the  
17 minor is abused, neglected, or dependent, with citations to  
18 the appropriate provisions of this Act, and set forth (a)  
19 facts sufficient to bring the minor under Section 2-3 or 2-4  
20 and to inform respondents of the cause of action, including,  
21 but not limited to, a plain and concise statement of the  
22 factual allegations that form the basis for the filing of the  
23 petition; (b) the name, age and residence of the minor; (c) the

1 names and residences of the minor's parents; (d) the name and  
 2 residence of the minor's legal guardian or the person or  
 3 persons having custody or control of the minor, or of the  
 4 nearest known relative if no parent or guardian can be found;  
 5 and (e) if the minor upon whose behalf the petition is brought  
 6 is sheltered in custody, the date on which such temporary  
 7 custody was ordered by the court or the date set for a  
 8 temporary custody hearing. If any of the facts herein required  
 9 are not known by the petitioner, the petition shall so state.

10 (3) The petition must allege that it is in the best  
 11 interests of the minor and of the public that the minor be  
 12 adjudged a ward of the court and may pray generally for relief  
 13 available under this Act. The petition need not specify any  
 14 proposed disposition following adjudication of wardship. The  
 15 petition may request that the minor remain in the custody of  
 16 the parent, guardian, or custodian under an Order of  
 17 Protection. The petition shall be substantially in the  
 18 following form:

19 PETITION FOR ADJUDICATION OF WARDSHIP

20 Now comes ....., petitioner, and petitions this  
 21 court to adjudicate ..... a ward of  
 22 the court. In support, the petitioner, on oath or affirmation,  
 23 based on information or belief states as follows:

24 (1) ..... is a (male/female) minor born on  
 25 ....., ....., who resides or may be found  
 26 in this County at .....

1       (2) The names and residence addresses of the minor's  
2       parents, legal guardian, and/or custodian are:

| <u>Name and</u>     | <u>Place of</u>  | <u>City/</u>     |
|---------------------|------------------|------------------|
| <u>Relationship</u> | <u>Residence</u> | <u>State/Zip</u> |
| .....               | .....            | .....            |
| .....               | .....            | .....            |
| .....               | .....            | .....            |

8       The minor and the persons named in (1) and (2) are designated  
9       respondents.

10       (3) The minor was  
11       ( ) not taken into protective custody.  
12       ( ) taken into protective custody on .....,  
13       ..... at .....(a.m./p.m.).

14       ( ) (4) A temporary custody hearing has been set for  
15       ....., ..... at .....(a.m./p.m.).

16       ( ) (5) The minor was neglected pursuant to the following  
17       Section or Sections of the Juvenile Court Act of 1987:

18       ( ) 2-3(1)(a), (lack of care), the facts supporting this  
19       are:  
20       .....  
21       .....

22       ( ) 2-3(1)(b), (injurious environment), the facts  
23       supporting this are:

1 .....  
.....

2 .....  
.....

3 ( ) 2-3(1)(c), (drug-exposed infant), the facts supporting  
4 this are:

5 .....  
.....

6 .....  
.....

7 ( ) (6) The minor was abused pursuant to the following Section  
8 or Sections of the Juvenile Court Act of 1987:

9 ( ) 2-3(2)(i), (physical abuse), the facts supporting this  
10 are:

11 .....  
.....

12 .....  
.....

13 ( ) 2-3(2)(ii), (substantial risk/physical injury), the  
14 facts supporting this are:

15 .....  
.....

16 .....  
.....

17 ( ) 2-3(2)(iii), (sexual abuse), the facts supporting this  
18 are:

19 .....  
.....

20 .....  
.....

21 ( ) 2-3(2)(iv), (torture), the facts supporting this are:  
22 .....

23 .....  
.....

24 ( ) 2-3(2)(v), (excessive corporal punishment), the facts  
25 supporting this are:

1 .....

2 .....

3 ( ) (7) The minor is dependent pursuant to Section 2-4 of the  
4 Juvenile Court Act of 1987, the facts supporting this are:

5 .....

6 .....

7 (8) It is in the best interests of the minor and the public  
8 that the minor be adjudged a ward of the court.

9 WHEREFORE, the petitioner asks that the minor be adjudged  
10 a ward of the court and that the court enter such orders as are  
11 in the best interests of the minor and grant other relief under  
12 the Juvenile Court Act of 1987.

13 .....

14 Petitioner (Signature)

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

22 In addition to the foregoing, the petitioner, by motion,

1 may request the termination of parental rights and appointment  
2 of a guardian of the person with power to consent to adoption  
3 of the minor under Section 2-29 at any time after the entry of  
4 a dispositional order under Section 2-22.

5 (4.5) (a) Unless good cause exists that filing a petition  
6 to terminate parental rights is contrary to the child's best  
7 interests, with respect to any minors committed to its care  
8 pursuant to this Act, the Department of Children and Family  
9 Services shall request the State's Attorney to file a petition  
10 or motion for termination of parental rights and appointment  
11 of guardian of the person with power to consent to adoption of  
12 the minor under Section 2-29 if:

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

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

19 (iii) the parent is criminally convicted of:

20 (A) first degree murder or second degree murder of  
21 any child;

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

24 (C) solicitation to commit murder of any child,  
25 solicitation to commit murder for hire of any child,  
26 or solicitation to commit second degree murder of any

1 child;

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

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

7 (E-5) aggravated criminal sexual assault;

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

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

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

13 (E-25) criminal sexual assault; or

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

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

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

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

23 (iii) the court has found within the preceding 12  
24 months that the Department has failed to make reasonable  
25 efforts to reunify the child and family, or

26 (iv) the parent is incarcerated, or the parent's prior



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

11 (A) the child's best interest;

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

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

21 (D) limitations in the parent's access to family  
22 support programs, therapeutic services, visiting  
23 opportunities, telephone and mail services, and  
24 meaningful participation in court proceedings.

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

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

4           (2) 60 days after the date on which the child is  
5           removed from the child's parent, guardian, or legal  
6           custodian.

7           (c) (Blank).

8           (d) (Blank).

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

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

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

1 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

5 (a) A minor found to be neglected or abused under  
6 Section 2-3 or dependent under Section 2-4 may be (1)  
7 continued in the custody of the minor's parents, guardian  
8 or legal custodian; (2) placed in accordance with Section  
9 2-27; (3) restored to the custody of the parent, parents,  
10 guardian, or legal custodian, provided the court shall  
11 order the parent, parents, guardian, or legal custodian to  
12 cooperate with the Department of Children and Family  
13 Services and comply with the terms of an after-care plan  
14 or risk the loss of custody of the child and the possible  
15 termination of their parental rights; or (4) ordered  
16 partially or completely emancipated in accordance with the  
17 provisions of the Emancipation of Minors Act.

18 If the minor is being restored to the custody of a  
19 parent, legal custodian, or guardian who lives outside of  
20 Illinois, and an Interstate Compact has been requested and  
21 refused, the court may order the Department of Children  
22 and Family Services to arrange for an assessment of the  
23 minor's proposed living arrangement and for ongoing  
24 monitoring of the health, safety, and best interest of the  
25 minor and compliance with any order of protective

1 supervision entered in accordance with Section 2-24.

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

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

19 However, in any case in which a minor is found by the  
20 court to be dependent under Section 2-4 of this Act,  
21 custody of the minor shall not be restored to any parent,  
22 guardian or legal custodian whose acts or omissions or  
23 both have been identified, pursuant to subsection (1) of  
24 Section 2-21, as forming the basis for the court's finding  
25 of dependency, until such time as a hearing is held on the  
26 issue of the fitness of such parent, guardian or legal

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

5           (b-1) A minor between the ages of 18 and 21 may be  
6           placed pursuant to Section 2-27 of this Act if (1) the  
7           court has granted a supplemental petition to reinstate  
8           wardship of the minor pursuant to subsection (2) of  
9           Section 2-33, (2) the court has adjudicated the minor a  
10          ward of the court, permitted the minor to return home  
11          under an order of protection, and subsequently made a  
12          finding that it is in the minor's best interest to vacate  
13          the order of protection and commit the minor to the  
14          Department of Children and Family Services for care and  
15          service, or (3) the court returned the minor to the  
16          custody of the respondent under Section 2-4b of this Act  
17          without terminating the proceedings under Section 2-31 of  
18          this Act, and subsequently made a finding that it is in the  
19          minor's best interest to commit the minor to the  
20          Department of Children and Family Services for care and  
21          services.

22          (c) When the court awards guardianship to the  
23          Department of Children and Family Services, the court  
24          shall order the parents to cooperate with the Department  
25          of Children and Family Services, comply with the terms of  
26          the service plans, and correct the conditions that require

1 the child to be in care, or risk termination of their  
2 parental rights.

3 (2) Any order of disposition may provide for protective  
4 supervision under Section 2-24 and may include an order of  
5 protection under Section 2-25.

6 Unless the order of disposition expressly so provides, it  
7 does not operate to close proceedings on the pending petition,  
8 but is subject to modification, not inconsistent with Section  
9 2-28, until final closing and discharge of the proceedings  
10 under Section 2-31.

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

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

19 (3.5) If, after reviewing the evidence, including evidence  
20 from the Department, the court determines that the minor's  
21 current or planned placement is not necessary or appropriate  
22 to facilitate achievement of the permanency goal, the court  
23 shall put in writing the factual basis supporting its  
24 determination and enter specific findings based on the  
25 evidence. If the court finds that the minor's current or  
26 planned placement is not necessary or appropriate, the court

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

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



1 or all of such restitution on the minor's behalf.

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

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

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

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

19 (705 ILCS 405/2-28)

20 Sec. 2-28. Court review.

21 (1) The court may require any legal custodian or guardian  
22 of the person appointed under this Act to report periodically  
23 to the court or may cite the legal custodian or guardian into  
24 court and require the legal custodian, guardian, or the legal  
25 custodian's or guardian's agency to make a full and accurate

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

1           (1.5) The public agency that is the custodian or guardian  
2 of the minor shall file a written report with the court no  
3 later than 15 days after a minor in the agency's care remains:

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

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

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

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

17           (1.6) Within 30 days after placing a child in its care in a  
18 qualified residential treatment program, as defined by the  
19 federal Social Security Act, the Department of Children and  
20 Family Services shall prepare a written report for filing with  
21 the court and send copies of the report to all parties. Within  
22 20 days of the filing of the report, or as soon thereafter as  
23 the court's schedule allows but not more than 60 days from the  
24 date of placement, the court shall hold a hearing to consider  
25 the Department's report and determine whether placement of the  
26 child in a qualified residential treatment program provides

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

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

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

26 (3) the efforts made by the agency to prepare the

1 child to return home or to be placed with a fit and willing  
2 relative, a legal guardian, or an adoptive parent, or in a  
3 foster family home.

4 (2) The first permanency hearing shall be conducted by the  
5 judge. Subsequent permanency hearings may be heard by a judge  
6 or by hearing officers appointed or approved by the court in  
7 the manner set forth in Section 2-28.1 of this Act. The initial  
8 hearing shall be held (a) within 12 months from the date  
9 temporary custody was taken, regardless of whether an  
10 adjudication or dispositional hearing has been completed  
11 within that time frame, (b) if the parental rights of both  
12 parents have been terminated in accordance with the procedure  
13 described in subsection (5) of Section 2-21, within 30 days of  
14 the order for termination of parental rights and appointment  
15 of a guardian with power to consent to adoption, or (c) in  
16 accordance with subsection (2) of Section 2-13.1. Subsequent  
17 permanency hearings shall be held every 6 months or more  
18 frequently if necessary in the court's determination following  
19 the initial permanency hearing, in accordance with the  
20 standards set forth in this Section, until the court  
21 determines that the plan and goal have been achieved. Once the  
22 plan and goal have been achieved, if the minor remains in  
23 substitute care, the case shall be reviewed at least every 6  
24 months thereafter, subject to the provisions of this Section,  
25 unless the minor is placed in the guardianship of a suitable  
26 relative or other person and the court determines that further

1 monitoring by the court does not further the health, safety,  
2 or best interest of the child and that this is a stable  
3 permanent placement. The permanency hearings must occur within  
4 the time frames set forth in this subsection and may not be  
5 delayed in anticipation of a report from any source or due to  
6 the agency's failure to timely file its written report (this  
7 written report means the one required under the next paragraph  
8 and does not mean the service plan also referred to in that  
9 paragraph).

10 The public agency that is the custodian or guardian of the  
11 minor, or another agency responsible for the minor's care,  
12 shall ensure that all parties to the permanency hearings are  
13 provided a copy of the most recent service plan prepared  
14 within the prior 6 months at least 14 days in advance of the  
15 hearing. If not contained in the agency's service plan, the  
16 agency shall also include a report setting forth (i) any  
17 special physical, psychological, educational, medical,  
18 emotional, or other needs of the minor or the minor's family  
19 that are relevant to a permanency or placement determination  
20 and (ii) for any minor age 16 or over, a written description of  
21 the programs and services that will enable the minor to  
22 prepare for independent living. If not contained in the  
23 agency's service plan, the agency's report shall specify if a  
24 minor is placed in a licensed child care facility under a  
25 corrective plan by the Department due to concerns impacting  
26 the minor's safety and well-being. The report shall explain

1 the steps the Department is taking to ensure the safety and  
2 well-being of the minor and that the minor's needs are met in  
3 the facility. The agency's written report must detail what  
4 progress or lack of progress the parent has made in correcting  
5 the conditions requiring the child to be in care; whether the  
6 child can be returned home without jeopardizing the child's  
7 health, safety, and welfare, and, if not, what permanency goal  
8 is recommended to be in the best interests of the child, and  
9 why the other permanency goals are not appropriate. The  
10 caseworker must appear and testify at the permanency hearing.  
11 If a permanency hearing has not previously been scheduled by  
12 the court, the moving party shall move for the setting of a  
13 permanency hearing and the entry of an order within the time  
14 frames set forth in this subsection.

15 At the permanency hearing, the court shall determine the  
16 future status of the child. The court shall set one of the  
17 following permanency goals:

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

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

25 (B-1) The minor will be in short-term care with a  
26 continued goal to return home pending a status hearing.

1           When the court finds that a parent has not made reasonable  
2           efforts or reasonable progress to date, the court shall  
3           identify what actions the parent and the Department must  
4           take in order to justify a finding of reasonable efforts  
5           or reasonable progress and shall set a status hearing to  
6           be held not earlier than 9 months from the date of  
7           adjudication nor later than 11 months from the date of  
8           adjudication during which the parent's progress will again  
9           be reviewed.

10           (C) The minor will be in substitute care pending court  
11           determination on termination of parental rights.

12           (D) Adoption, provided that parental rights have been  
13           terminated or relinquished.

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

21           (F) The minor over age 15 will be in substitute care  
22           pending independence. In selecting this permanency goal,  
23           the Department of Children and Family Services may provide  
24           services to enable reunification and to strengthen the  
25           minor's connections with family, fictive kin, and other  
26           responsible adults, provided the services are in the



1 minor's best interest. The services shall be documented in  
2 the service plan.

3 (G) The minor will be in substitute care because the  
4 minor cannot be provided for in a home environment due to  
5 developmental disabilities or mental illness or because  
6 the minor is a danger to self or others, provided that  
7 goals (A) through (D) have been deemed inappropriate and  
8 not in the child's best interests.

9 In selecting any permanency goal, the court shall indicate  
10 in writing the reasons the goal was selected and why the  
11 preceding goals were deemed inappropriate and not in the  
12 child's best interest. Where the court has selected a  
13 permanency goal other than (A), (B), or (B-1), the Department  
14 of Children and Family Services shall not provide further  
15 reunification services, except as provided in paragraph (F) of  
16 this subsection (2), but shall provide services consistent  
17 with the goal selected.

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

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

23 (2) The court has deemed all other permanency  
24 goals inappropriate based on the child's best  
25 interest;

26 (3) The court has found compelling reasons, based

1 on written documentation reviewed by the court, to  
2 place the minor in continuing foster care. Compelling  
3 reasons include:

4 (a) the child does not wish to be adopted or to  
5 be placed in the guardianship of the minor's  
6 relative or foster care placement;

7 (b) the child exhibits an extreme level of  
8 need such that the removal of the child from the  
9 minor's placement would be detrimental to the  
10 child; or

11 (c) the child who is the subject of the  
12 permanency hearing has existing close and strong  
13 bonds with a sibling, and achievement of another  
14 permanency goal would substantially interfere with  
15 the subject child's sibling relationship, taking  
16 into consideration the nature and extent of the  
17 relationship, and whether ongoing contact is in  
18 the subject child's best interest, including  
19 long-term emotional interest, as compared with the  
20 legal and emotional benefit of permanence;

21 (4) The child has lived with the relative or  
22 foster parent for at least one year; and

23 (5) The relative or foster parent currently caring  
24 for the child is willing and capable of providing the  
25 child with a stable and permanent environment.

26 The court shall set a permanency goal that is in the best

1 interest of the child. In determining that goal, the court  
2 shall consult with the minor in an age-appropriate manner  
3 regarding the proposed permanency or transition plan for the  
4 minor. The court's determination shall include the following  
5 factors:

6 (1) Age of the child.

7 (2) Options available for permanence, including both  
8 out-of-state and in-state placement options.

9 (3) Current placement of the child and the intent of  
10 the family regarding adoption.

11 (4) Emotional, physical, and mental status or  
12 condition of the child.

13 (5) Types of services previously offered and whether  
14 or not the services were successful and, if not  
15 successful, the reasons the services failed.

16 (6) Availability of services currently needed and  
17 whether the services exist.

18 (7) Status of siblings of the minor.

19 The court shall consider (i) the permanency goal contained  
20 in the service plan, (ii) the appropriateness of the services  
21 contained in the plan and whether those services have been  
22 provided, (iii) whether reasonable efforts have been made by  
23 all the parties to the service plan to achieve the goal, and  
24 (iv) whether the plan and goal have been achieved. All  
25 evidence relevant to determining these questions, including  
26 oral and written reports, may be admitted and may be relied on

1 to the extent of their probative value.

2 The court shall make findings as to whether, in violation  
3 of Section 8.2 of the Abused and Neglected Child Reporting  
4 Act, any portion of the service plan compels a child or parent  
5 to engage in any activity or refrain from any activity that is  
6 not reasonably related to remedying a condition or conditions  
7 that gave rise or which could give rise to any finding of child  
8 abuse or neglect. The services contained in the service plan  
9 shall include services reasonably related to remedy the  
10 conditions that gave rise to removal of the child from the home  
11 of the child's parents, guardian, or legal custodian or that  
12 the court has found must be remedied prior to returning the  
13 child home. Any tasks the court requires of the parents,  
14 guardian, or legal custodian or child prior to returning the  
15 child home must be reasonably related to remedying a condition  
16 or conditions that gave rise to or which could give rise to any  
17 finding of child abuse or neglect.

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

26 The court shall review the Sibling Contact Support Plan

1 developed or modified under subsection (f) of Section 7.4 of  
2 the Children and Family Services Act, if applicable. If the  
3 Department has not convened a meeting to develop or modify a  
4 Sibling Contact Support Plan, or if the court finds that the  
5 existing Plan is not in the child's best interest, the court  
6 may enter an order requiring the Department to develop,  
7 modify, or implement a Sibling Contact Support Plan, or order  
8 mediation.

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

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

1 ~~providers to be included in the service plan.~~

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

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

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

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

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

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

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

20 (i) (Blank).

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

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

11           (iv) (Blank).

12           (v) (Blank).

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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