

1 AN ACT in relation to minors.

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 Section 2-27 as follows:

6 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

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

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

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

20 (a-5) with the approval of the Department of  
21 Children and Family Services, place the minor in the  
22 subsidized guardianship of a suitable relative or other  
23 person as legal guardian; "subsidized guardianship" means  
24 a private guardianship arrangement for children for whom  
25 the permanency goals of return home and adoption have  
26 been ruled out and who meet the qualifications for  
27 subsidized guardianship as defined by the Department of  
28 Children and Family Services in administrative rules;

29 (b) place the minor under the guardianship of a  
30 probation officer;

31 (c) commit the minor to an agency for care or

1 placement, except an institution under the authority of  
2 the Department of Corrections or of the Department of  
3 Children and Family Services;

4 (d) commit the minor to the Department of Children  
5 and Family Services for care and service; however, a  
6 minor charged with a criminal offense under the Criminal  
7 Code of 1961 or adjudicated delinquent shall not be  
8 placed in the custody of or committed to the Department  
9 of Children and Family Services by any court, except a  
10 minor less than 13 years of age and committed to the  
11 Department of Children and Family Services under Section  
12 5-710 of this Act. The Department shall be given due  
13 notice of the pendency of the action and the Guardianship  
14 Administrator of the Department of Children and Family  
15 Services shall be appointed guardian of the person of the  
16 minor. Whenever the Department seeks to discharge a minor  
17 from its care and service, the Guardianship Administrator  
18 shall petition the court for an order terminating  
19 guardianship. The Guardianship Administrator may  
20 designate one or more other officers of the Department,  
21 appointed as Department officers by administrative order  
22 of the Department Director, authorized to affix the  
23 signature of the Guardianship Administrator to documents  
24 affecting the guardian-ward relationship of children for  
25 whom he or she has been appointed guardian at such times  
26 as he or she is unable to perform the duties of his or  
27 her office. The signature authorization shall include but  
28 not be limited to matters of consent of marriage,  
29 enlistment in the armed forces, legal proceedings,  
30 adoption, major medical and surgical treatment and  
31 application for driver's license. Signature  
32 authorizations made pursuant to the provisions of this  
33 paragraph shall be filed with the Secretary of State and  
34 the Secretary of State shall provide upon payment of the

1 customary fee, certified copies of the authorization to  
2 any court or individual who requests a copy.

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

6 (a) appropriate services aimed at family  
7 preservation and family reunification services have been  
8 provided to the extent and in a manner that has not  
9 succeeded unsuccessful in rectifying the conditions that  
10 have led to a finding of unfitness or inability to care  
11 for, protect, train, or discipline the minor, or

12 (b) no family preservation or family reunification  
13 services would be appropriate,

14 and if the petition or amended petition contained an  
15 allegation that the parent is an unfit person as defined in  
16 subdivision (D) of Section 1 of the Adoption Act, and the  
17 order of adjudication recites that parental unfitness was  
18 established by clear and convincing evidence, the court  
19 shall, when appropriate and in the best interest of the  
20 minor, enter an order terminating parental rights and  
21 appointing a guardian with power to consent to adoption in  
22 accordance with Section 2-29. The Department of Children and  
23 Family Services, or the agency responsible, must submit a  
24 report to the court documenting the services offered and  
25 provided to preserve or reunify the family, and  
26 substantiating any determination of the success or failure of  
27 such services, and the court shall determine if such evidence  
28 is clear and convincing that such services will fail.

29 When making a placement, the court, wherever possible,  
30 shall require the Department of Children and Family Services  
31 to select a person holding the same religious belief as that  
32 of the minor or a private agency controlled by persons of  
33 like religious faith of the minor and shall require the  
34 Department to otherwise comply with Section 7 of the Children

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

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

32 (3) No placement by any probation officer or agency  
33 whose representative is appointed guardian of the person or  
34 legal custodian of a minor may be made in any out of State

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

4 (4) The clerk of the court shall issue to the legal  
5 custodian or guardian of the person a certified copy of the  
6 order of court, as proof of his authority. No other process  
7 is necessary as authority for the keeping of the minor.

8 (5) Custody or guardianship granted under this Section  
9 continues until the court otherwise directs, but not after  
10 the minor reaches the age of 19 years except as set forth in  
11 Section 2-31.

12 (6) (Blank).

13 (Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-512,  
14 eff. 8-22-97; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98;  
15 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)