

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 Children and Family Services Act is
5 amended by changing Section 7.7 as follows:

6 (20 ILCS 505/7.7)

7 Sec. 7.7. Limit on multiple placements.

8 (a) If the Department has placed a child in substitute
9 care pursuant to a court order, the Department may not change
10 the child's placement unless the Department specifically
11 documents that the current placement is unsafe or unsuitable
12 or that another placement is in the child's best interests or
13 unless the new placement is in an adoptive home or other
14 permanent placement.

15 (b) The Department shall document the following
16 information about the next placement:

17 (1) the reasons why this placement was selected;

18 (2) what alternatives were considered;

19 (3) whether the new foster parent or relative
20 caretaker considers the placement to be permanent or
21 temporary; if temporary, the reasons why a temporary
22 placement was selected for the child and the duration of
23 the placement or events which would trigger a termination
24 of the placement, or both; if permanent, an indication of
25 whether the caseworker has discussed permanency with this
26 foster parent or caretaker for the specific child and
27 what indications, if any, the proposed caretaker or
28 foster parent has given with respect to a willingness to
29 adopt a child or assume the responsibilities as guardian;

30 (4) a description of the supports to be given to the
31 foster parent or relative caretaker;

1 (5) if the placement disruption results in the
2 separation of siblings, a description of the attempts
3 made to find a joint sibling placement, or an explanation
4 as to why a joint placement would be inappropriate, and a
5 description of how the sibling relationship will be
6 maintained;

7 (6) a complete description of all of the child's
8 special needs;

9 (7) a description of the background or training, or
10 both, of the foster parent or relative caretaker that
11 indicates that she or he can meet the child's needs; and

12 (8) any extraordinary financial support or services
13 (including, but not limited to, counseling,
14 psychotherapy, or tutoring) which will be provided to the
15 child in the next placement.

16 (c) If the child is moved from an institution, group, or
17 residential facility to a licensed foster home or the
18 approved home of a relative, the Department's documentation
19 shall contain, at a minimum, the information described in
20 subsection (b) of this Section, as well as a full explanation
21 of the reasons for moving the child to a less therapeutically
22 intensive placement.

23 (d) Each year the Department shall submit a report to the
24 General Assembly that documents:

25 (1) the number of children in Department custody
26 who have been placed in 5 or more placements since their
27 latest removal from home; for purposes of this report, a
28 placement is any placement that is of more than 24 hours
29 duration, except for respite care placements, runaways,
30 hospitalization, or detention settings;

31 (2) the specific children who have been moved more
32 than 5 times shall be identified by age and length of
33 time in the Department's custody or guardianship, or
34 both; and

1 (3) an explanation of the Department's efforts to
2 reduce multiple placements among its wards.

3 (e) (1) For purposes of this subsection, "multiple
4 placements" means placements in 3 or more foster homes or
5 approved homes of relatives or any combination thereof since
6 the child's latest removal from home. For purposes of this
7 subsection, "Intensive Administrative Case Review" means a
8 review conducted by a panel consisting of a licensed
9 psychologist or psychiatrist, a licensed social worker, and a
10 placement resource specialist.

11 (2) Within 30 days after a minor who has experienced
12 multiple placements is again moved to another foster home or
13 the home of a relative, the Department shall conduct an
14 Intensive Administrative Case Review. The panel shall review:
15 (A) the child's history; (B) the child's placement, mental,
16 emotional, physical, and educational needs; (C) the
17 appropriateness of the child's current placement; (D) the
18 suitability of the services provided to the child; and (E)
19 the adequacy of the support provided to the current foster
20 parents or relative caretakers.

21 (3) If the panel concludes that the services to the child
22 and the foster parent or relative caregiver are inappropriate
23 or inadequate, the panel shall recommend those services that
24 should be provided, who should provide the services, the
25 frequency of the services, and the commencement dates of the
26 services.

27 (4) The panel shall evaluate whether the child's current
28 placement is able to meet the child's needs. If the panel
29 finds that the placement is inconsistent with the child's
30 best interests, it shall identify the characteristics of an
31 appropriate placement and recommend that the child be removed
32 and provided a placement that has these qualities.

33 (5) The panel shall evaluate whether the assigned private
34 agency can meet the child's needs, taking into account the

1 agency's placement resources. If the panel concludes that the
2 assigned agency is inappropriate, it shall recommend that the
3 child's care be reassigned.

4 (6) The panel shall establish a specific plan, including
5 time frames, for locating an appropriate placement and for
6 transitioning the child to the placement. The panel shall
7 record its evaluations and recommendations in a written
8 report which shall be filed with the court and served on the
9 parties, no later than 60 days after the change in placement
10 described in paragraph (2) of this subsection. If the
11 members of the panel are unable to arrive at a consensus on
12 one or more issues, separate reports shall be filed on the
13 disputed matters. Recommendations supported by all of the
14 members of the panel shall be immediately incorporated into
15 the service plan.

16 (7) Subsequent Intensive Administrative Case Reviews
17 shall be held every 3 months following the initial Intensive
18 Administrative Case Review or more frequently, if necessary
19 in the panel's determination, and shall be conducted in
20 accordance with the standards set forth in this Section,
21 until the panel concludes that the child's current placement
22 is likely to be stable and appropriate services are being
23 provided the child and the foster parent or relative
24 caregiver.

25 (8) If the child is again moved to another foster home or
26 the home of a relative, the Intensive Administrative Case
27 Review must be conducted within 30 days of that change in
28 placement in accordance with the standards set forth in this
29 Section.

30 (Source: P.A. 89-422; 90-28, eff. 1-1-98.)

31 Section 10. The Juvenile Court Act of 1987 is amended by
32 changing Sections 2-10, 2-10.1, 2-17, 2-23, and 2-28 as
33 follows:

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

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

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

10 (2) If the court finds that there is probable cause to
11 believe that the minor is abused, neglected or dependent, the
12 court shall state in writing the factual basis supporting its
13 finding and the minor, his or her parent, guardian, custodian
14 and other persons able to give relevant testimony shall be
15 examined before the court. The Department of Children and
16 Family Services shall give testimony concerning indicated
17 reports of abuse and neglect, of which they are aware of
18 through the central registry, involving the minor's parent,
19 guardian or custodian. After such testimony, the court may,
20 consistent with the health, safety and best interests of the
21 minor, enter an order that the minor shall be released upon
22 the request of parent, guardian or custodian if the parent,
23 guardian or custodian appears to take custody. Custodian
24 shall include any agency of the State which has been given
25 custody or wardship of the child. If it is consistent with
26 the health, safety and best interests of the minor, the court
27 may also prescribe shelter care and order that the minor be
28 kept in a suitable place designated by the court or in a
29 shelter care facility designated by the Department of
30 Children and Family Services or a licensed child welfare
31 agency; however, a minor charged with a criminal offense
32 under the Criminal Code of 1961 or adjudicated delinquent
33 shall not be placed in the custody of or committed to the
34 Department of Children and Family Services by any court,

1 except a minor less than 13 years of age and committed to the
2 Department of Children and Family Services under Section
3 5-710 of this Act or a minor for whom an independent basis of
4 abuse, neglect, or dependency exists, which must be defined
5 by departmental rule. In placing the minor, the Department or
6 other agency shall, to the extent compatible with the court's
7 order, comply with Section 7 of the Children and Family
8 Services Act. In determining the health, safety and best
9 interests of the minor to prescribe shelter care, the court
10 must find that it is a matter of immediate and urgent
11 necessity for the safety and protection of the minor or of
12 the person or property of another that the minor be placed in
13 a shelter care facility or that he or she is likely to flee
14 the jurisdiction of the court, and must further find that
15 reasonable efforts have been made or that, consistent with
16 the health, safety and best interests of the minor, no
17 efforts reasonably can be made to prevent or eliminate the
18 necessity of removal of the minor from his or her home. The
19 court shall require documentation from the Department of
20 Children and Family Services as to the reasonable efforts
21 that were made to prevent or eliminate the necessity of
22 removal of the minor from his or her home or the reasons why
23 no efforts reasonably could be made to prevent or eliminate
24 the necessity of removal. When a minor is placed in the home
25 of a relative, the Department of Children and Family Services
26 shall complete a preliminary background review of the members
27 of the minor's custodian's household in accordance with
28 Section 4.3 of the Child Care Act of 1969 within 90 days of
29 that placement. If the minor is ordered placed in a shelter
30 care facility of the Department of Children and Family
31 Services or a licensed child welfare agency, the court shall,
32 upon request of the appropriate Department or other agency,
33 appoint the Department of Children and Family Services
34 Guardianship Administrator or other appropriate agency

1 executive temporary custodian of the minor and the court may
2 enter such other orders related to the temporary custody as
3 it deems fit and proper, including the provision of services
4 to the minor or his family to ameliorate the causes
5 contributing to the finding of probable cause or to the
6 finding of the existence of immediate and urgent necessity.
7 Acceptance of services shall not be considered an admission
8 of any allegation in a petition made pursuant to this Act,
9 nor may a referral of services be considered as evidence in
10 any proceeding pursuant to this Act, except where the issue
11 is whether the Department has made reasonable efforts to
12 reunite the family. In making its findings that it is
13 consistent with the health, safety and best interests of the
14 minor to prescribe shelter care, the court shall state in
15 writing (i) the factual basis supporting its findings
16 concerning the immediate and urgent necessity for the
17 protection of the minor or of the person or property of
18 another and (ii) the factual basis supporting its findings
19 that reasonable efforts were made to prevent or eliminate the
20 removal of the minor from his or her home or that no efforts
21 reasonably could be made to prevent or eliminate the removal
22 of the minor from his or her home. The parents, guardian,
23 custodian, temporary custodian and minor shall each be
24 furnished a copy of such written findings. The temporary
25 custodian shall maintain a copy of the court order and
26 written findings in the case record for the child. The order
27 together with the court's findings of fact in support thereof
28 shall be entered of record in the court.

29 Once the court finds that it is a matter of immediate and
30 urgent necessity for the protection of the minor that the
31 minor be placed in a shelter care facility, the minor shall
32 not be returned to the parent, custodian or guardian until
33 the court finds that such placement is no longer necessary
34 for the protection of the minor.

1 If the child is placed in the temporary custody of the
2 Department of Children and Family Services for his or her
3 protection, the court shall admonish the parents, guardian,
4 custodian or responsible relative that the parents must
5 cooperate with the Department of Children and Family
6 Services, comply with the terms of the service plans, and
7 correct the conditions which require the child to be in care,
8 or risk termination of their parental rights.

9 (3) If prior to the shelter care hearing for a minor
10 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party
11 is unable to serve notice on the party respondent, the
12 shelter care hearing may proceed ex-parte. A shelter care
13 order from an ex-parte hearing shall be endorsed with the
14 date and hour of issuance and shall be filed with the clerk's
15 office and entered of record. The order shall expire after 10
16 days from the time it is issued unless before its expiration
17 it is renewed, at a hearing upon appearance of the party
18 respondent, or upon an affidavit of the moving party as to
19 all diligent efforts to notify the party respondent by notice
20 as herein prescribed. The notice prescribed shall be in
21 writing and shall be personally delivered to the minor or the
22 minor's attorney and to the last known address of the other
23 person or persons entitled to notice. The notice shall also
24 state the nature of the allegations, the nature of the order
25 sought by the State, including whether temporary custody is
26 sought, and the consequences of failure to appear and shall
27 contain a notice that the parties will not be entitled to
28 further written notices or publication notices of proceedings
29 in this case, including the filing of an amended petition or
30 a motion to terminate parental rights, except as required by
31 Supreme Court Rule 11; and shall explain the right of the
32 parties and the procedures to vacate or modify a shelter care
33 order as provided in this Section. The notice for a shelter
34 care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

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

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

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

1. To ask the court to appoint a lawyer if they cannot afford one.
2. To ask the court to continue the hearing to allow them time to prepare.
3. To present evidence concerning:
 - a. Whether or not the child or children were abused, neglected or dependent.
 - b. Whether or not there is "immediate and urgent necessity" to remove the child from home (including: their ability to care for the child, conditions in the home, alternative means of protecting the child other than removal).
 - c. The best interests of the child.
4. To cross examine the State's witnesses.

1 The Notice for rehearings shall be substantially as
2 follows:

3 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

4 TO REHEARING ON TEMPORARY CUSTODY

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

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

21 The rehearing should be scheduled within 48 hours of
22 your filing this affidavit.

23 At the rehearing, your rights are the same as at the
24 initial shelter care hearing. The enclosed notice
25 explains those rights.

26 At the Shelter Care Hearing, children have the
27 following rights:

- 28 1. To have a guardian ad litem appointed.
- 29 2. To be declared competent as a witness and
- 30 to present testimony concerning:
 - 31 a. Whether they are abused, neglected or
 - 32 dependent.
 - 33 b. Whether there is "immediate and urgent
 - 34 necessity" to be removed from home.

1 c. Their best interests.

2 3. To cross examine witnesses for other
3 parties.

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

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

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

21 (6) No minor under 16 years of age may be confined in a
22 jail or place ordinarily used for the confinement of
23 prisoners in a police station. Minors under 17 years of age
24 must be kept separate from confined adults and may not at any
25 time be kept in the same cell, room, or yard with adults
26 confined pursuant to the criminal law.

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

30 (8) If neither the parent, guardian or custodian appears
31 within 24 hours to take custody of a minor released upon
32 request pursuant to subsection (2) of this Section, then the
33 clerk of the court shall set the matter for rehearing not
34 later than 7 days after the original order and shall issue a

1 summons directed to the parent, guardian or custodian to
2 appear. At the same time the probation department shall
3 prepare a report on the minor. If a parent, guardian or
4 custodian does not appear at such rehearing, the judge may
5 enter an order prescribing that the minor be kept in a
6 suitable place designated by the Department of Children and
7 Family Services or a licensed child welfare agency.

8 (9) Notwithstanding any other provision of this Section
9 any interested party, including the State, the temporary
10 custodian, an agency providing services to the minor or
11 family under a service plan pursuant to Section 8.2 of the
12 Abused and Neglected Child Reporting Act, foster parent, or
13 any of their representatives, on notice to all parties
14 entitled to notice, may file a motion that it is in the best
15 interests of the minor to modify or vacate a temporary
16 custody order on any of the following grounds:

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

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

24 (c) A person not a party to the alleged abuse,
25 neglect or dependency, including a parent, relative or
26 legal guardian, is capable of assuming temporary custody
27 of the minor; or

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

33 In ruling on the motion, the court shall determine
34 whether it is consistent with the health, safety and best

1 interests of the minor to modify or vacate a temporary
2 custody order.

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

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

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

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

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

24 (11) In reviewing a petition brought under this Section,
25 the court shall inquire whether the Department of Children
26 and Family Services or a child welfare agency has arranged
27 for the placement of the minor who is the subject of the
28 petition with any minor siblings or half-siblings who are
29 placed in the custody or guardianship of the Department of
30 Children and Family Services. If the court determines that
31 the subject minor has not been placed with his or her minor
32 siblings or half-siblings who are in the custody or
33 guardianship of the Department of Children and Family
34 Services, the court may direct the Department of Children and

1 Family Services to make reasonable efforts to arrange for
2 such placement if the court finds that such placement is in
3 the child's best interests and unless such placement would be
4 contrary to the child's health, safety, or welfare.

5 (Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-582, eff.
6 1-1-97; 89-626, eff. 8-9-96; 90-28, eff. 1-1-98; 90-87, eff.
7 9-1-97; 90-590, eff. 1-1-99; 90-655, eff. 7-30-98.)

8 (705 ILCS 405/2-10.1) (from Ch. 37, par. 802-10.1)

9 Sec. 2-10.1. (1) Whenever a minor is placed in shelter
10 care with the Department or a licensed child welfare agency
11 in accordance with Section 2-10, the Department or agency, as
12 appropriate, shall prepare and file with the court within 45
13 days of placement under Section 2-10 a case plan which
14 complies with the federal Adoption Assistance and Child
15 Welfare Act of 1980 and is consistent with the health, safety
16 and best interests of the minor.

17 (2) The Department shall file a report with the court
18 whenever a minor who has experienced multiple placements is
19 moved from a foster home or the approved home of relative to
20 another foster home or the approved home of a relative. For
21 purposes of this subsection, "multiple placements" means
22 placements in 3 or more foster homes or the approved homes of
23 relatives or a combination thereof since the child's latest
24 removal from home. The report shall include the placement
25 documentation required under Section 7.7 of the Children and
26 Family Services Act and the comprehensive individualized
27 assessment required under subsection (c) of Section 7 of the
28 Children and Family Services Act. The report shall be filed
29 with the Court and served on the parties no later than 14
30 days after the change in placement and 14 days after each
31 subsequent change in placement. The report shall not include
32 any information which is confidential under Section 35.3 of
33 the Children and Family Services Act.

1 (3) Upon receipt of the report described in subsection
2 (2), the court, on its own motion or on the motion of any
3 party, may, in its discretion, conduct a hearing to determine
4 whether the current placement is likely to be stable and
5 whether adequate support is being provided to the current
6 foster parent or relative caretaker. Following the hearing,
7 the court shall make findings as to whether or not the
8 placement is likely to be stable and whether the supports
9 provided to the current foster parent or relative caretaker
10 are adequate. If the court finds that the placement is not
11 appropriate or that appropriate supports are not being
12 provided to the caretaker or foster parent, the court shall
13 make specific factual findings setting forth the basis for
14 the court's findings. The court shall enter any orders
15 necessary to implement its findings.

16 (Source: P.A. 90-28, eff. 1-1-98.)

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

18 Sec. 2-17. Guardian ad litem.

19 (1) Immediately upon the filing of a petition alleging
20 that the minor is a person described in Sections 2-3 or 2-4
21 of this Article, the court shall appoint a guardian ad litem
22 for the minor if:

23 (a) such petition alleges that the minor is an
24 abused or neglected child; or

25 (b) such petition alleges that charges alleging the
26 commission of any of the sex offenses defined in Article
27 11 or in Sections 12-13, 12-14, 12-14.1, 12-15 or 12-16
28 of the Criminal Code of 1961, as amended, have been filed
29 against a defendant in any court and that such minor is
30 the alleged victim of the acts of defendant in the
31 commission of such offense.

32 Unless the guardian ad litem appointed pursuant to this
33 paragraph (1) is an attorney at law he shall be represented

1 in the performance of his duties by counsel. The guardian ad
2 litem shall represent the best interests of the minor and
3 shall present recommendations to the court consistent with
4 that duty.

5 (2) Before proceeding with the hearing, the court shall
6 appoint a guardian ad litem for the minor if

7 (a) no parent, guardian, custodian or relative of
8 the minor appears at the first or any subsequent hearing
9 of the case;

10 (b) the petition prays for the appointment of a
11 guardian with power to consent to adoption; or

12 (c) the petition for which the minor is before the
13 court resulted from a report made pursuant to the Abused
14 and Neglected Child Reporting Act.

15 (3) The court may appoint a guardian ad litem for the
16 minor whenever it finds that there may be a conflict of
17 interest between the minor and his parents or other custodian
18 or that it is otherwise in the minor's best interest to do
19 so.

20 (4) Unless the guardian ad litem is an attorney, he
21 shall be represented by counsel.

22 (5) The reasonable fees of a guardian ad litem appointed
23 under this Section shall be fixed by the court and charged to
24 the parents of the minor, to the extent they are able to pay.
25 If the parents are unable to pay those fees, they shall be
26 paid from the general fund of the county.

27 (6) A guardian ad litem appointed under this Section,
28 shall receive copies of any and all classified reports of
29 child abuse and neglect made under the Abused and Neglected
30 Child Reporting Act in which the minor who is the subject of
31 a report under the Abused and Neglected Child Reporting Act,
32 is also the minor for whom the guardian ad litem is appointed
33 under this Section.

34 (6.1) No later than 10 days prior to the change in

1 placement, a guardian ad litem appointed under this Section
2 shall receive notice of the decision to change the child's
3 placement, except when the child must be removed immediately
4 because a delay would endanger the child's health or safety.
5 When the child must be immediately removed from a placement,
6 notice shall be provided to the child's guardian ad litem
7 within 2 days of the change in placement, excluding weekends
8 and holidays.

9 (6.2) When the Department has determined the child's next
10 placement, the guardian ad litem appointed under this Section
11 shall be notified of the new placement within 2 days of the
12 decision, excluding weekends and holidays.

13 (6.3) A guardian ad litem appointed under this Section
14 shall receive a copy of the placement documentation required
15 under Section 7.7 of the Children and Family Services Act and
16 a copy of the comprehensive individualized assessment
17 required under subsection (c) of Section 7 of the Children
18 and Family Services Act. The documentation must be provided
19 within 14 days after each change in placement.

20 (7) The appointed guardian ad litem shall remain the
21 child's guardian ad litem throughout the entire juvenile
22 trial court proceedings, including permanency hearings and
23 termination of parental rights proceedings, unless there is a
24 substitution entered by order of the court.

25 (8) The guardian ad litem or an agent of the guardian ad
26 litem shall have a minimum of one in-person contact with the
27 minor and one contact with one of the current foster parents
28 or caregivers prior to the adjudicatory hearing, and at least
29 one additional in-person contact with the child and one
30 contact with one of the current foster parents or caregivers
31 after the adjudicatory hearing but prior to the first
32 permanency hearing and one additional in-person contact with
33 the child and one contact with one of the current foster
34 parents or caregivers each subsequent year. For good cause

1 shown, the judge may excuse face-to-face interviews required
2 in this subsection.

3 (9) In counties with a population of 100,000 or more but
4 less than 3,000,000, each guardian ad litem must successfully
5 complete a training program approved by the Department of
6 Children and Family Services. The Department of Children and
7 Family Services shall provide training materials and
8 documents to guardians ad litem who are not mandated to
9 attend the training program. The Department of Children and
10 Family Services shall develop and distribute to all guardians
11 ad litem a bibliography containing information including but
12 not limited to the juvenile court process, termination of
13 parental rights, child development, medical aspects of child
14 abuse, and the child's need for safety and permanence.

15 (Source: P.A. 89-462, eff. 5-29-96; 90-27, eff. 1-1-98;
16 90-28, eff. 1-1-98.)

17 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

21 (a) A minor under 18 years of age found to be
22 neglected or abused under Section 2-3 or dependent under
23 Section 2-4 may be (1) continued in the custody of his or
24 her parents, guardian or legal custodian; (2) placed in
25 accordance with Section 2-27; (3) restored to the custody
26 of the parent, parents, guardian, or legal custodian,
27 provided the court shall order the parent, parents,
28 guardian, or legal custodian to cooperate with the
29 Department of Children and Family Services and comply
30 with the terms of an after-care plan or risk the loss of
31 custody of the child and the possible termination of
32 their parental rights; or (4) ordered partially or
33 completely emancipated in accordance with the provisions

1 of the Emancipation of Mature Minors Act.

2 However, in any case in which a minor is found by
3 the court to be neglected or abused under Section 2-3 of
4 this Act, custody of the minor shall not be restored to
5 any 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
10 of 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
14 fit to care for the minor.

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

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

32 (c) When the court awards guardianship to the
33 Department of Children and Family Services, the court
34 shall order the parents to cooperate with the Department

1 of Children and Family Services, comply with the terms of
2 the service plans, and correct the conditions that
3 require the child to be in care, or risk termination of
4 their parental rights.

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

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

13 (3) The court also shall enter any other orders
14 necessary to fulfill the service plan, including, but not
15 limited to, (i) orders requiring parties to cooperate with
16 services, (ii) restraining orders controlling the conduct of
17 any party likely to frustrate the achievement of the goal,
18 and (iii) visiting orders. Unless otherwise specifically
19 authorized by law, the court is not empowered under this
20 subsection (3) to order specific placements, specific
21 services, or specific service providers to be included in the
22 plan, except when the court determines that the subject minor
23 has not been placed with his or her minor siblings or
24 half-siblings who are in the custody or guardianship of the
25 Department of Children and Family Services, in which case the
26 court may direct the Department of Children and Family
27 Services to make reasonable efforts to arrange for such
28 placement if the court finds that such placement is in the
29 child's best interests and unless such placement would be
30 contrary to the child's health, safety, or welfare. If the
31 court concludes that the Department of Children and Family
32 Services has abused its discretion in setting the current
33 service plan or permanency goal for the minor, the court
34 shall enter specific findings in writing based on the

1 evidence and shall enter an order for the Department to
2 develop and implement a new permanency goal and service plan
3 consistent with the court's findings. The new service plan
4 shall be filed with the court and served on all parties. The
5 court shall continue the matter until the new service plan is
6 filed.

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

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

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

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

33 (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95;
34 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98;

1 90-655, eff. 7-30-98.)

2 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

3 Sec. 2-28. Court review.

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

31 (2) The first permanency hearing shall be conducted by
32 the judge. Subsequent permanency hearings may be heard by a
33 judge or by hearing officers appointed or approved by the

1 court in the manner set forth in Section 2-28.1 of this Act.
2 The initial hearing shall be held (a) within 12 months from
3 the date temporary custody was taken, (b) if the parental
4 rights of both parents have been terminated in accordance
5 with the procedure described in subsection (5) of Section
6 2-21, within 30 days of the order for termination of parental
7 rights and appointment of a guardian with power to consent to
8 adoption, or (c) in accordance with subsection (2) of Section
9 2-13.1. Subsequent permanency hearings shall be held every 6
10 months or more frequently if necessary in the court's
11 determination following the initial permanency hearing, in
12 accordance with the standards set forth in this Section,
13 until the court determines that the plan and goal have been
14 achieved. Once the plan and goal have been achieved, if the
15 minor remains in substitute care, the case shall be reviewed
16 at least every 6 months thereafter, subject to the provisions
17 of this Section, unless the minor is placed in the
18 guardianship of a suitable relative or other person and the
19 court determines that further monitoring by the court does
20 not further the health, safety or best interest of the child
21 and that this is a stable permanent placement. The permanency
22 hearings must occur within the time frames set forth in this
23 subsection and may not be delayed in anticipation of a report
24 from any source or due to the agency's failure to timely file
25 its written report (this written report means the one
26 required under the next paragraph and does not mean the
27 service plan also referred to in that paragraph).

28 The public agency that is the custodian or guardian of
29 the minor, or another agency responsible for the minor's
30 care, shall ensure that all parties to the permanency
31 hearings are provided a copy of the most recent service plan
32 prepared within the prior 6 months at least 14 days in
33 advance of the hearing. If not contained in the plan, the
34 agency shall also include a report setting forth (i) any

1 special physical, psychological, educational, medical,
2 emotional, or other needs of the minor or his or her family
3 that are relevant to a permanency or placement determination
4 and (ii) for any minor age 16 or over, a written description
5 of the programs and services that will enable the minor to
6 prepare for independent living. The agency's written report
7 must detail what progress or lack of progress the parent has
8 made in correcting the conditions requiring the child to be
9 in care; whether the child can be returned home without
10 jeopardizing the child's health, safety, and welfare, and if
11 not, what permanency goal is recommended to be in the best
12 interests of the child, and why the other permanency goals
13 are not appropriate. The caseworker must appear and testify
14 at the permanency hearing. If a permanency hearing has not
15 previously been scheduled by the court, the moving party
16 shall move for the setting of a permanency hearing and the
17 entry of an order within the time frames set forth in this
18 subsection.

19 At the permanency hearing, the court shall determine the
20 future status of the child. The court shall set one of the
21 following permanency goals:

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

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

29 (B-1) The minor will be in short-term care with a
30 continued goal to return home pending a status hearing.
31 When the court finds that a parent has not made
32 reasonable efforts or reasonable progress to date, the
33 court shall identify what actions the parent and the
34 Department must take in order to justify a finding of

1 reasonable efforts or reasonable progress and shall set a
2 status hearing to be held not earlier than 9 months from
3 the date of adjudication nor later than 11 months from
4 the date of adjudication during which the parent's
5 progress will again be reviewed.

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

8 (D) Adoption, provided that parental rights have
9 been terminated or relinquished.

10 (E) The guardianship of the minor will be
11 transferred to an individual or couple on a permanent
12 basis provided that goals (A) through (D) have been ruled
13 out.

14 (F) The minor over age 15 will be in substitute
15 care pending independence.

16 (G) The minor will be in substitute care because he
17 or she cannot be provided for in a home environment due
18 to developmental disabilities or mental illness or
19 because he or she is a danger to self or others, provided
20 that goals (A) through (D) have been ruled out.

21 In selecting any permanency goal, the court shall
22 indicate in writing the reasons the goal was selected and why
23 the preceding goals were ruled out. Where the court has
24 selected a permanency goal other than (A), (B), or (B-1), the
25 Department of Children and Family Services shall not provide
26 further reunification services, but shall provide services
27 consistent with the goal selected.

28 The court shall set a permanency goal that is in the best
29 interest of the child. The court's determination shall
30 include the following factors:

31 (1) Age of the child.

32 (2) Options available for permanence.

33 (3) Current placement of the child and the intent
34 of the family regarding adoption.

1 (4) Emotional, physical, and mental status or
2 condition of the child.

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

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

8 (7) Status of siblings of the minor.

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

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

22 If, after receiving evidence, the court determines that
23 the services contained in the plan are not reasonably
24 calculated to facilitate achievement of the permanency goal,
25 the court shall put in writing the factual basis supporting
26 the determination and enter specific findings based on the
27 evidence. The court also shall enter an order for the
28 Department to develop and implement a new service plan or to
29 implement changes to the current service plan consistent with
30 the court's findings. The new service plan shall be filed
31 with the court and served on all parties within 45 days of
32 the date of the order. The court shall continue the matter
33 until the new service plan is filed. Unless otherwise
34 specifically authorized by law, the court is not empowered

1 under this subsection (2) or under subsection (3) to order
2 specific placements, specific services, or specific service
3 providers to be included in the plan, except when the court
4 determines that the subject minor has not been placed with
5 his or her minor siblings or half-siblings who are in the
6 custody or guardianship of the Department of Children and
7 Family Services, in which case the court may direct the
8 Department of Children and Family Services to make reasonable
9 efforts to arrange for such placement if the court finds that
10 such placement is in the child's best interest and unless
11 such placement would be contrary to the child's health,
12 safety, or welfare.

13 A guardian or custodian appointed by the court pursuant
14 to this Act shall file updated case plans with the court
15 every 6 months.

16 Rights of wards of the court under this Act are
17 enforceable against any public agency by complaints for
18 relief by mandamus filed in any proceedings brought under
19 this Act.

20 (3) Following the permanency hearing, the court shall
21 enter a written order that includes the determinations
22 required under subsection (2) of this Section and sets forth
23 the following:

24 (a) The future status of the minor, including the
25 permanency goal, and any order necessary to conform the
26 minor's legal custody and status to such determination;
27 or

28 (b) If the permanency goal of the minor cannot be
29 achieved immediately, the specific reasons for continuing
30 the minor in the care of the Department of Children and
31 Family Services or other agency for short term placement,
32 and the following determinations:

33 (i) (Blank).

34 (ii) Whether the services required by the

1 court and by any service plan prepared within the
2 prior 6 months have been provided and (A) if so,
3 whether the services were reasonably calculated to
4 facilitate the achievement of the permanency goal or
5 (B) if not provided, why the services were not
6 provided.

7 (iii) Whether the minor's placement is
8 necessary, and appropriate to the plan and goal,
9 recognizing the right of minors to the least
10 restrictive (most family-like) setting available and
11 in close proximity to the parents' home consistent
12 with the health, safety, best interest and special
13 needs of the minor and, if the minor is placed
14 out-of-State, whether the out-of-State placement
15 continues to be appropriate and consistent with the
16 health, safety, and best interest of the minor.

17 (iv) (Blank).

18 (v) (Blank).

19 Any order entered pursuant to this subsection (3) shall
20 be immediately appealable as a matter of right under Supreme
21 Court Rule 304(b)(1).

22 (4) The minor or any person interested in the minor may
23 apply to the court for a change in custody of the minor and
24 the appointment of a new custodian or guardian of the person
25 or for the restoration of the minor to the custody of his
26 parents or former guardian or custodian.

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

28 (a) The Department, the minor, or the current
29 foster parent or relative caregiver seeking private
30 guardianship may file a motion for private guardianship
31 of the minor. Appointment of a guardian under this
32 Section requires approval of the court.

33 (b) The State's Attorney may file a motion to
34 terminate parental rights of any parent who has failed to

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

8 Custody of the minor shall not be restored to any parent,
9 guardian or legal custodian in any case in which the minor is
10 found to be neglected or abused under Section 2-3 or
11 dependent under Section 2-4 of this Act, unless the minor can
12 be cared for at home without endangering his or her health or
13 safety and it is in the best interest of the minor, and if
14 such neglect, abuse, or dependency is found by the court
15 under paragraph (1) of Section 2-21 of this Act to have come
16 about due to the acts or omissions or both of such parent,
17 guardian or legal custodian, until such time as an
18 investigation is made as provided in paragraph (5) and a
19 hearing is held on the issue of the health, safety and best
20 interest of the minor and the fitness of such parent,
21 guardian or legal custodian to care for the minor and the
22 court enters an order that such parent, guardian or legal
23 custodian is fit to care for the minor. In the event that
24 the minor has attained 18 years of age and the guardian or
25 custodian petitions the court for an order terminating his
26 guardianship or custody, guardianship or custody shall
27 terminate automatically 30 days after the receipt of the
28 petition unless the court orders otherwise. No legal
29 custodian or guardian of the person may be removed without
30 his consent until given notice and an opportunity to be heard
31 by the court.

32 When the court orders a child restored to the custody of
33 the parent or parents, the court shall order the parent or
34 parents to cooperate with the Department of Children and

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

6 (5) Whenever a parent, guardian, or legal custodian
7 files a motion for restoration of custody of the minor, and
8 the minor was adjudicated neglected, abused, or dependent as
9 a result of physical abuse, the court shall cause to be made
10 an investigation as to whether the movant has ever been
11 charged with or convicted of any criminal offense which would
12 indicate the likelihood of any further physical abuse to the
13 minor. Evidence of such criminal convictions shall be taken
14 into account in determining whether the minor can be cared
15 for at home without endangering his or her health or safety
16 and fitness of the parent, guardian, or legal custodian.

17 (a) Any agency of this State or any subdivision
18 thereof shall co-operate with the agent of the court in
19 providing any information sought in the investigation.

20 (b) The information derived from the investigation
21 and any conclusions or recommendations derived from the
22 information shall be provided to the parent, guardian, or
23 legal custodian seeking restoration of custody prior to
24 the hearing on fitness and the movant shall have an
25 opportunity at the hearing to refute the information or
26 contest its significance.

27 (c) All information obtained from any investigation
28 shall be confidential as provided in Section 5-150 of
29 this Act.

30 (Source: P.A. 91-357, eff. 7-29-99; 92-320, eff. 1-1-02.)