

1 AN ACT concerning children.

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 amended
5 by changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of
8 Children and Family Services. To provide direct child welfare
9 services when not available through other public or private
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who
13 are under the age of 18 years. The term also includes
14 persons under age 19 who:

15 (A) were committed to the Department pursuant to
16 the Juvenile Court Act or the Juvenile Court Act of
17 1987, as amended, prior to the age of 18 and who
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by
20 the Department prior to the age of 18 and whose best
21 interest in the discretion of the Department would be
22 served by continuing that care, service and training
23 because of severe emotional disturbances, physical

1 disability, social adjustment or any combination
2 thereof, or because of the need to complete an
3 educational or vocational training program.

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

8 (3) "Child welfare services" means public social
9 services which are directed toward the accomplishment of
10 the following purposes:

11 (A) protecting and promoting the health, safety
12 and welfare of children, including homeless, dependent
13 or neglected children;

14 (B) remedying, or assisting in the solution of
15 problems which may result in, the neglect, abuse,
16 exploitation or delinquency of children;

17 (C) preventing the unnecessary separation of
18 children from their families by identifying family
19 problems, assisting families in resolving their
20 problems, and preventing the breakup of the family
21 where the prevention of child removal is desirable and
22 possible when the child can be cared for at home
23 without endangering the child's health and safety;

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the child
26 and the families when the child can be cared for at

1 home without endangering the child's health and
2 safety;

3 (E) placing children in suitable adoptive homes,
4 in cases where restoration to the biological family is
5 not safe, possible or appropriate;

6 (F) assuring safe and adequate care of children
7 away from their homes, in cases where the child cannot
8 be returned home or cannot be placed for adoption. At
9 the time of placement, the Department shall consider
10 concurrent planning, as described in subsection (1-1)
11 of this Section so that permanency may occur at the
12 earliest opportunity. Consideration should be given so
13 that if reunification fails or is delayed, the
14 placement made is the best available placement to
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities
19 that provide separate living quarters for children
20 under the age of 18 and for children 18 years of age
21 and older, unless a child 18 years of age is in the
22 last year of high school education or vocational
23 training, in an approved individual or group treatment
24 program, in a licensed shelter facility, or secure
25 child care facility. The Department is not required to
26 place or maintain children:

- 1 (i) who are in a foster home, or
2 (ii) who are persons with a developmental
3 disability, as defined in the Mental Health and
4 Developmental Disabilities Code, or
5 (iii) who are female children who are
6 pregnant, pregnant and parenting or parenting, or
7 (iv) who are siblings, in facilities that
8 provide separate living quarters for children 18
9 years of age and older and for children under 18
10 years of age.

11 (b) Nothing in this Section shall be construed to authorize
12 the expenditure of public funds for the purpose of performing
13 abortions.

14 (c) The Department shall establish and maintain
15 tax-supported child welfare services and extend and seek to
16 improve voluntary services throughout the State, to the end
17 that services and care shall be available on an equal basis
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for
20 any new program initiative to any agency contracting with the
21 Department. As a prerequisite for an advance disbursement, the
22 contractor must post a surety bond in the amount of the advance
23 disbursement and have a purchase of service contract approved
24 by the Department. The Department may pay up to 2 months
25 operational expenses in advance. The amount of the advance
26 disbursement shall be prorated over the life of the contract or

1 the remaining months of the fiscal year, whichever is less, and
2 the installment amount shall then be deducted from future
3 bills. Advance disbursement authorizations for new initiatives
4 shall not be made to any agency after that agency has operated
5 during 2 consecutive fiscal years. The requirements of this
6 Section concerning advance disbursements shall not apply with
7 respect to the following: payments to local public agencies for
8 child day care services as authorized by Section 5a of this
9 Act; and youth service programs receiving grant funds under
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations
14 concerning its operation of programs designed to meet the goals
15 of child safety and protection, family preservation, family
16 reunification, and adoption, including but not limited to:

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

4 Rules and regulations established by the Department shall
5 include provisions for training Department staff and the staff
6 of Department grantees, through contracts with other agencies
7 or resources, in alcohol and drug abuse screening techniques
8 approved by the Department of Human Services, as a successor to
9 the Department of Alcoholism and Substance Abuse, for the
10 purpose of identifying children and adults who should be
11 referred to an alcohol and drug abuse treatment program for
12 professional evaluation.

13 (h) If the Department finds that there is no appropriate
14 program or facility within or available to the Department for a
15 ward and that no licensed private facility has an adequate and
16 appropriate program or none agrees to accept the ward, the
17 Department shall create an appropriate individualized,
18 program-oriented plan for such ward. The plan may be developed
19 within the Department or through purchase of services by the
20 Department to the extent that it is within its statutory
21 authority to do.

22 (i) Service programs shall be available throughout the
23 State and shall include but not be limited to the following
24 services:

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

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

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

11 The Department shall provide transportation for any of the
12 services it makes available to children or families or for
13 which it refers children or families.

14 (j) The Department may provide categories of financial
15 assistance and education assistance grants, and shall
16 establish rules and regulations concerning the assistance and
17 grants, to persons who adopt physically or mentally
18 handicapped, older and other hard-to-place children who (i)
19 immediately prior to their adoption were legal wards of the
20 Department or (ii) were determined eligible for financial
21 assistance with respect to a prior adoption and who become
22 available for adoption because the prior adoption has been
23 dissolved and the parental rights of the adoptive parents have
24 been terminated or because the child's adoptive parents have
25 died. The Department may, subject to federal financial
26 participation in the cost, continue to provide financial

1 assistance and education assistance grants for a child who was
2 determined eligible for financial assistance under this
3 subsection (j) in the interim period beginning when the child's
4 adoptive parents died and ending with the finalization of the
5 new adoption of the child by another adoptive parent or
6 parents. The Department may also provide categories of
7 financial assistance and education assistance grants, and
8 shall establish rules and regulations for the assistance and
9 grants, to persons appointed guardian of the person under
10 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
11 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
12 who were wards of the Department for 12 months immediately
13 prior to the appointment of the guardian.

14 The amount of assistance may vary, depending upon the needs
15 of the child and the adoptive parents, as set forth in the
16 annual assistance agreement. Special purpose grants are
17 allowed where the child requires special service but such costs
18 may not exceed the amounts which similar services would cost
19 the Department if it were to provide or secure them as guardian
20 of the child.

21 Any financial assistance provided under this subsection is
22 inalienable by assignment, sale, execution, attachment,
23 garnishment, or any other remedy for recovery or collection of
24 a judgment or debt.

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

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

7 (l) Before July 1, 2000, the Department may provide, and
8 beginning July 1, 2000, the Department shall offer family
9 preservation services, as defined in Section 8.2 of the Abused
10 and Neglected Child Reporting Act, to help families, including
11 adoptive and extended families. Family preservation services
12 shall be offered (i) to prevent the placement of children in
13 substitute care when the children can be cared for at home or
14 in the custody of the person responsible for the children's
15 welfare, (ii) to reunite children with their families, or (iii)
16 to maintain an adoptive placement. Family preservation
17 services shall only be offered when doing so will not endanger
18 the children's health or safety. With respect to children who
19 are in substitute care pursuant to the Juvenile Court Act of
20 1987, family preservation services shall not be offered if a
21 goal other than those of subdivisions (A), (B), or (B-1) of
22 subsection (2) of Section 2-28 of that Act has been set.
23 Nothing in this paragraph shall be construed to create a
24 private right of action or claim on the part of any individual
25 or child welfare agency, except that when a child is the
26 subject of an action under Article II of the Juvenile Court Act

1 of 1987 and the child's service plan calls for certain family
2 preservation services, the court hearing the action under
3 Article II of the Juvenile Court Act of 1987 may order the
4 Department to provide the family preservation services set out
5 in the plan, if those services are not provided with reasonable
6 promptness and if those services are available.

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

26 The Department may, at its discretion except for those

1 children also adjudicated neglected or dependent, accept for
2 care and training any child who has been adjudicated addicted,
3 as a truant minor in need of supervision or as a minor
4 requiring authoritative intervention, under the Juvenile Court
5 Act or the Juvenile Court Act of 1987, but no such child shall
6 be committed to the Department by any court without the
7 approval of the Department. A minor charged with a criminal
8 offense under the Criminal Code of 1961 or adjudicated
9 delinquent shall not be placed in the custody of or committed
10 to the Department by any court, except a minor less than 13
11 years of age committed to the Department under Section 5-710 of
12 the Juvenile Court Act of 1987.

13 (1-1) The legislature recognizes that the best interests of
14 the child require that the child be placed in the most
15 permanent living arrangement as soon as is practically
16 possible. To achieve this goal, the legislature directs the
17 Department of Children and Family Services to conduct
18 concurrent planning so that permanency may occur at the
19 earliest opportunity. Permanent living arrangements may
20 include prevention of placement of a child outside the home of
21 the family when the child can be cared for at home without
22 endangering the child's health or safety; reunification with
23 the family, when safe and appropriate, if temporary placement
24 is necessary; or movement of the child toward the most
25 permanent living arrangement and permanent legal status.

26 When determining reasonable efforts to be made with respect

1 to a child, as described in this subsection, and in making such
2 reasonable efforts, the child's health and safety shall be the
3 paramount concern.

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

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

22 The Department shall adopt rules addressing concurrent
23 planning for reunification and permanency. The Department
24 shall consider the following factors when determining
25 appropriateness of concurrent planning:

26 (1) the likelihood of prompt reunification;

- 1 (2) the past history of the family;
- 2 (3) the barriers to reunification being addressed by
- 3 the family;
- 4 (4) the level of cooperation of the family;
- 5 (5) the foster parents' willingness to work with the
- 6 family to reunite;
- 7 (6) the willingness and ability of the foster family to
- 8 provide an adoptive home or long-term placement;
- 9 (7) the age of the child;
- 10 (8) placement of siblings.

11 (m) The Department may assume temporary custody of any
12 child if:

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

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

20 If the child is found in his or her residence without a parent,
21 guardian, custodian or responsible caretaker, the Department
22 may, instead of removing the child and assuming temporary
23 custody, place an authorized representative of the Department
24 in that residence until such time as a parent, guardian or
25 custodian enters the home and expresses a willingness and
26 apparent ability to ensure the child's health and safety and

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

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

24 The Department shall ensure that any child taken into
25 custody is scheduled for an appointment for a medical
26 examination.

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

17 (m-1) The Department may place children under 18 years of
18 age in a secure child care facility licensed by the Department
19 that cares for children who are in need of secure living
20 arrangements for their health, safety, and well-being after a
21 determination is made by the facility director and the Director
22 or the Director's designate prior to admission to the facility
23 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
24 This subsection (m-1) does not apply to a child who is subject
25 to placement in a correctional facility operated pursuant to
26 Section 3-15-2 of the Unified Code of Corrections, unless the

1 child is a ward who was placed under the care of the Department
2 before being subject to placement in a correctional facility
3 and a court of competent jurisdiction has ordered placement of
4 the child in a secure care facility.

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

1 services delivered shall be absolutely inalienable by
2 assignment, sale, attachment, garnishment or otherwise.

3 (o) The Department shall establish an administrative
4 review and appeal process for children and families who request
5 or receive child welfare services from the Department. Children
6 who are wards of the Department and are placed by private child
7 welfare agencies, and foster families with whom those children
8 are placed, shall be afforded the same procedural and appeal
9 rights as children and families in the case of placement by the
10 Department, including the right to an initial review of a
11 private agency decision by that agency. The Department shall
12 insure that any private child welfare agency, which accepts
13 wards of the Department for placement, affords those rights to
14 children and foster families. The Department shall accept for
15 administrative review and an appeal hearing a complaint made by
16 (i) a child or foster family concerning a decision following an
17 initial review by a private child welfare agency or (ii) a
18 prospective adoptive parent who alleges a violation of
19 subsection (j-5) of this Section. An appeal of a decision
20 concerning a change in the placement of a child shall be
21 conducted in an expedited manner.

22 (p) There is hereby created the Department of Children and
23 Family Services Emergency Assistance Fund from which the
24 Department may provide special financial assistance to
25 families which are in economic crisis when such assistance is
26 not available through other public or private sources and the

1 assistance is deemed necessary to prevent dissolution of the
2 family unit or to reunite families which have been separated
3 due to child abuse and neglect. The Department shall establish
4 administrative rules specifying the criteria for determining
5 eligibility for and the amount and nature of assistance to be
6 provided. The Department may also enter into written agreements
7 with private and public social service agencies to provide
8 emergency financial services to families referred by the
9 Department. Special financial assistance payments shall be
10 available to a family no more than once during each fiscal year
11 and the total payments to a family may not exceed \$500 during a
12 fiscal year.

13 (q) The Department may receive and use, in their entirety,
14 for the benefit of children any gift, donation or bequest of
15 money or other property which is received on behalf of such
16 children, or any financial benefits to which such children are
17 or may become entitled while under the jurisdiction or care of
18 the Department.

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

1 payments. Interest earned by each account shall be credited to
2 the account, unless disbursed in accordance with this
3 subsection.

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

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

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

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

1 or his or her guardian, or to the issuing agency.

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

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

1 from the General Revenue Fund, specifically designated for such
2 purposes.

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

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

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

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

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

1 (1) available detailed information concerning the
2 child's educational and health history, copies of
3 immunization records (including insurance and medical card
4 information), a history of the child's previous
5 placements, if any, and reasons for placement changes
6 excluding any information that identifies or reveals the
7 location of any previous caretaker;

8 (2) a copy of the child's portion of the client service
9 plan, including any visitation arrangement, and all
10 amendments or revisions to it as related to the child; and

11 (3) information containing details of the child's
12 individualized educational plan when the child is
13 receiving special education services.

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

1 provide the information in writing as required by this
2 subsection.

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

18 (u-5) Effective July 1, 1995, only foster care placements
19 licensed as foster family homes pursuant to the Child Care Act
20 of 1969 shall be eligible to receive foster care payments from
21 the Department. Relative caregivers who, as of July 1, 1995,
22 were approved pursuant to approved relative placement rules
23 previously promulgated by the Department at 89 Ill. Adm. Code
24 335 and had submitted an application for licensure as a foster
25 family home may continue to receive foster care payments only
26 until the Department determines that they may be licensed as a

1 foster family home or that their application for licensure is
2 denied or until September 30, 1995, whichever occurs first.

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

25 (w) Within 120 days of August 20, 1995 (the effective date
26 of Public Act 89-392), the Department shall prepare and submit

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

20 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06.)

21 Section 10. The Abused and Neglected Child Reporting Act is
22 amended by changing Section 8.2 as follows:

23 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

24 Sec. 8.2. If the Child Protective Service Unit determines,

1 following an investigation made pursuant to Section 7.4 of this
2 Act, that there is credible evidence that the child is abused
3 or neglected, the Department shall assess the family's need for
4 services, and, as necessary, develop, with the family, an
5 appropriate service plan for the family's voluntary acceptance
6 or refusal. In any case where there is evidence that the
7 perpetrator of the abuse or neglect is an addict or alcoholic
8 as defined in the Alcoholism and Other Drug Abuse and
9 Dependency Act, the Department, when making referrals for drug
10 or alcohol abuse services, shall make such referrals to
11 facilities licensed by the Department of Human Services or the
12 Department of Public Health. The Department shall comply with
13 Section 8.1 by explaining its lack of legal authority to compel
14 the acceptance of services and may explain its concomitant
15 authority to petition the Circuit court under the Juvenile
16 Court Act of 1987 or refer the case to the local law
17 enforcement authority or State's attorney for criminal
18 prosecution.

19 For purposes of this Act, the term "family preservation
20 services" refers to all services to help families, including
21 adoptive and extended families. Family preservation services
22 shall be offered, where safe and appropriate, to prevent the
23 placement of children in substitute care when the children can
24 be cared for at home or in the custody of the person
25 responsible for the children's welfare without endangering the
26 children's health or safety, to reunite them with their

1 families if so placed when reunification is an appropriate
2 goal, or to maintain an adoptive placement. The term
3 "homemaker" includes emergency caretakers, homemakers,
4 caretakers, housekeepers and chore services. The term
5 "counseling" includes individual therapy, infant stimulation
6 therapy, family therapy, group therapy, self-help groups, drug
7 and alcohol abuse counseling, vocational counseling and
8 post-adoptive services. The term "day care" includes
9 protective day care and day care to meet educational,
10 prevocational or vocational needs. The term "emergency
11 assistance and advocacy" includes coordinated services to
12 secure emergency cash, food, housing and medical assistance or
13 advocacy for other subsistence and family protective needs.

14 Before July 1, 2000, appropriate family preservation
15 services shall, subject to appropriation, be included in the
16 service plan if the Department has determined that those
17 services will ensure the child's health and safety, are in the
18 child's best interests, and will not place the child in
19 imminent risk of harm. Beginning July 1, 2000, appropriate
20 family preservation services shall be uniformly available
21 throughout the State. The Department shall promptly notify
22 children and families of the Department's responsibility to
23 offer and provide family preservation services as identified in
24 the service plan. Such plans may include but are not limited
25 to: case management services; homemakers; counseling; parent
26 education; day care; emergency assistance and advocacy

1 assessments; respite care; in-home health care; transportation
2 to obtain any of the above services; and medical assistance.
3 Nothing in this paragraph shall be construed to create a
4 private right of action or claim on the part of any individual
5 or child welfare agency, except that when a child is the
6 subject of an action under Article II of the Juvenile Court Act
7 of 1987 and the child's service plan calls for certain family
8 preservation services, the court hearing the action under
9 Article II of the Juvenile Court Act of 1987 may order the
10 Department to provide the family preservation services set out
11 in the plan, if those services are not provided with reasonable
12 promptness and if those services are available.

13 The Department shall provide a preliminary report to the
14 General Assembly no later than January 1, 1991, in regard to
15 the provision of services authorized pursuant to this Section.
16 The report shall include:

17 (a) the number of families and children served, by type
18 of services;

19 (b) the outcome from the provision of such services,
20 including the number of families which remained intact at
21 least 6 months following the termination of services;

22 (c) the number of families which have been subjects of
23 founded reports of abuse following the termination of
24 services;

25 (d) an analysis of general family circumstances in
26 which family preservation services have been determined to

1 be an effective intervention;

2 (e) information regarding the number of families in
3 need of services but unserved due to budget or program
4 criteria guidelines;

5 (f) an estimate of the time necessary for and the
6 annual cost of statewide implementation of such services;

7 (g) an estimate of the length of time before expansion
8 of these services will be made to include families with
9 children over the age of 6; and

10 (h) recommendations regarding any proposed legislative
11 changes to this program.

12 Each Department field office shall maintain on a local
13 basis directories of services available to children and
14 families in the local area where the Department office is
15 located.

16 The Department shall refer children and families served
17 pursuant to this Section to private agencies and governmental
18 agencies, where available.

19 Where there are 2 equal proposals from both a
20 not-for-profit and a for-profit agency to provide services, the
21 Department shall give preference to the proposal from the
22 not-for-profit agency.

23 No service plan shall compel any child or parent to engage
24 in any activity or refrain from any activity which is not
25 reasonably related to remedying a condition or conditions that
26 gave rise or which could give rise to any finding of child

1 abuse or neglect.

2 (Source: P.A. 89-21, eff. 6-6-95; 89-507, eff. 7-1-97; 90-14,
3 eff. 7-1-97; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

4 Section 15. The Juvenile Court Act of 1987 is amended by
5 changing Sections 2-23 and 2-28 as follows:

6 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

10 (a) A minor under 18 years of age found to be neglected
11 or abused under Section 2-3 or dependent under Section 2-4
12 may be (1) continued in the custody of his or her parents,
13 guardian or legal custodian; (2) placed in accordance with
14 Section 2-27; (3) restored to the custody of the parent,
15 parents, guardian, or legal custodian, provided the court
16 shall order the parent, parents, guardian, or legal
17 custodian to cooperate with the Department of Children and
18 Family Services and comply with the terms of an after-care
19 plan or risk the loss of custody of the child and the
20 possible termination of their parental rights; or (4)
21 ordered partially or completely emancipated in accordance
22 with the provisions of the Emancipation of ~~Mature~~ Minors
23 Act.

24 However, in any case in which a minor is found by the

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

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

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

1 that such parent, guardian or legal custodian is fit to
2 care for the minor.

3 (c) When the court awards guardianship to the
4 Department of Children and Family Services, the court shall
5 order the parents to cooperate with the Department of
6 Children and Family Services, comply with the terms of the
7 service plans, and correct the conditions that require the
8 child to be in care, or risk termination of their parental
9 rights.

10 (2) Any order of disposition may provide for protective
11 supervision under Section 2-24 and may include an order of
12 protection under Section 2-25.

13 Unless the order of disposition expressly so provides, it
14 does not operate to close proceedings on the pending petition,
15 but is subject to modification, not inconsistent with Section
16 2-28, until final closing and discharge of the proceedings
17 under Section 2-31.

18 (3) The court also shall enter any other orders necessary
19 to fulfill the service plan, including, but not limited to, (i)
20 orders requiring parties to cooperate with services, (ii)
21 restraining orders controlling the conduct of any party likely
22 to frustrate the achievement of the goal, and (iii) visiting
23 orders. Unless otherwise specifically authorized by law, the
24 court is not empowered under this subsection (3) to order
25 specific placements, specific services, or specific service
26 providers to be included in the plan. If, after receiving

1 evidence, the court determines that the services contained in
2 the plan are not reasonably calculated to facilitate
3 achievement of the permanency goal, the court shall put in
4 writing the factual basis supporting the determination and
5 enter specific findings based on the evidence. The court also
6 shall enter an order for the Department to develop and
7 implement a new service plan or to implement changes to the
8 current service plan consistent with the court's findings. The
9 new service plan shall be filed with the court and served on
10 all parties within 45 days after the date of the order. The
11 court shall continue the matter until the new service plan is
12 filed. Unless otherwise specifically authorized by law, the
13 court is not empowered under this subsection (3) or under
14 subsection (2) to order specific placements, specific
15 services, or specific service providers to be included in the
16 plan. If the court concludes that the Department of Children
17 and Family Services has abused its discretion in setting the
18 current service plan or permanency goal for the minor, the
19 court shall enter specific findings in writing based on the
20 evidence and shall enter an order for the Department to develop
21 and implement a new permanency goal and service plan consistent
22 with the court's findings. The new service plan shall be filed
23 with the court and served on all parties. The court shall
24 continue the matter until the new service plan is filed.

25 (4) In addition to any other order of disposition, the
26 court may order any minor adjudicated neglected with respect to

1 his or her own injurious behavior to make restitution, in
2 monetary or non-monetary form, under the terms and conditions
3 of Section 5-5-6 of the Unified Code of Corrections, except
4 that the "presentence hearing" referred to therein shall be the
5 dispositional hearing for purposes of this Section. The parent,
6 guardian or legal custodian of the minor may pay some or all of
7 such restitution on the minor's behalf.

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

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

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

24 (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95; 90-27,
25 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,
26 eff. 7-30-98; revised 10-9-03.)

1 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

2 Sec. 2-28. Court review.

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

1 care for the minor and the court enters an order that such
2 parent, guardian or legal custodian is fit to care for the
3 minor.

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, (b) if the parental rights of both
10 parents have been terminated in accordance with the procedure
11 described in subsection (5) of Section 2-21, within 30 days of
12 the order for termination of parental rights and appointment of
13 a guardian with power to consent to adoption, or (c) in
14 accordance with subsection (2) of Section 2-13.1. Subsequent
15 permanency hearings shall be held every 6 months or more
16 frequently if necessary in the court's determination following
17 the initial permanency hearing, in accordance with the
18 standards set forth in this Section, until the court determines
19 that the plan and goal have been achieved. Once the plan and
20 goal have been achieved, if the minor remains in substitute
21 care, the case shall be reviewed at least every 6 months
22 thereafter, subject to the provisions of this Section, unless
23 the minor is placed in the guardianship of a suitable relative
24 or other person and the court determines that further
25 monitoring by the court does not further the health, safety or
26 best interest of the child and that this is a stable permanent

1 placement. The permanency hearings must occur within the time
2 frames set forth in this subsection and may not be delayed in
3 anticipation of a report from any source or due to the agency's
4 failure to timely file its written report (this written report
5 means the one required under the next paragraph and does not
6 mean the service plan also referred to in that paragraph).

7 The public agency that is the custodian or guardian of the
8 minor, or another agency responsible for the minor's care,
9 shall ensure that all parties to the permanency hearings are
10 provided a copy of the most recent service plan prepared within
11 the prior 6 months at least 14 days in advance of the hearing.
12 If not contained in the plan, the agency shall also include a
13 report setting forth (i) any special physical, psychological,
14 educational, medical, emotional, or other needs of the minor or
15 his or her family that are relevant to a permanency or
16 placement determination and (ii) for any minor age 16 or over,
17 a written description of the programs and services that will
18 enable the minor to prepare for independent living. The
19 agency's written report must detail what progress or lack of
20 progress the parent has made in correcting the conditions
21 requiring the child to be in care; whether the child can be
22 returned home without jeopardizing the child's health, safety,
23 and welfare, and if not, what permanency goal is recommended to
24 be in the best interests of the child, and why the other
25 permanency goals are not appropriate. The caseworker must
26 appear and testify at the permanency hearing. If a permanency

1 hearing has not previously been scheduled by the court, the
2 moving party shall move for the setting of a permanency hearing
3 and the entry of an order within the time frames set forth in
4 this subsection.

5 At the permanency hearing, the court shall determine the
6 future status of the child. The court shall set one of the
7 following permanency goals:

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

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

15 (B-1) The minor will be in short-term care with a
16 continued goal to return home pending a status hearing.
17 When the court finds that a parent has not made reasonable
18 efforts or reasonable progress to date, the court shall
19 identify what actions the parent and the Department must
20 take in order to justify a finding of reasonable efforts or
21 reasonable progress and shall set a status hearing to be
22 held not earlier than 9 months from the date of
23 adjudication nor later than 11 months from the date of
24 adjudication during which the parent's progress will again
25 be reviewed.

26 (C) The minor will be in substitute care pending court

1 determination on termination of parental rights.

2 (D) Adoption, provided that parental rights have been
3 terminated or relinquished.

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

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

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

14 In selecting any permanency goal, the court shall indicate
15 in writing the reasons the goal was selected and why the
16 preceding goals were ruled out. Where the court has selected a
17 permanency goal other than (A), (B), or (B-1), the Department
18 of Children and Family Services shall not provide further
19 reunification services, but shall provide services consistent
20 with the goal selected.

21 Notwithstanding any other provision in this Section, the
22 court may select the goal of long-term foster care as a
23 permanency goal if:

24 (H) the Department of Children and Family Services is
25 the custodian or guardian of the minor; and

26 (I) the court has ruled out return home as a permanency

1 goal; and

2 (J) the court, after receiving evidence, makes written
3 findings that (i) the child is living with a relative or
4 foster parent who is unable or unwilling to adopt the child
5 or be named the child's guardian because of exceptional
6 circumstances, but who is willing and capable of providing
7 the child with a stable and permanent environment, and the
8 removal of the child from the physical custody of his or
9 her relative or foster parent would be detrimental to the
10 emotional well-being of the child or (ii) there would be
11 substantial interference with a child's sibling
12 relationship, taking into consideration the nature and
13 extent of the relationship, including, but not limited to,
14 whether the child was raised with a sibling in the same
15 home, whether the child shared significant common
16 experiences or has existing close and strong bonds with a
17 sibling, and whether ongoing contact is in the child's best
18 interest, including the child's long-term emotional
19 interest, as compared to the benefit of legal permanence
20 through adoption.

21 The court shall set a permanency goal that is in the best
22 interest of the child. The court's determination shall include
23 the following factors:

24 (1) Age of the child.

25 (2) Options available for permanence.

26 (3) Current placement of the child and the intent of

1 the family regarding adoption.

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

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

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

9 (7) Status of siblings of the minor.

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

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

22 If, after receiving evidence, the court determines that the
23 services contained in the plan are not reasonably calculated to
24 facilitate achievement of the permanency goal, the court shall
25 put in writing the factual basis supporting the determination
26 and enter specific findings based on the evidence. The court

1 also shall enter an order for the Department to develop and
2 implement a new service plan or to implement changes to the
3 current service plan consistent with the court's findings. The
4 new service plan shall be filed with the court and served on
5 all parties within 45 days of the date of the order. The court
6 shall continue the matter until the new service plan is filed.
7 Unless otherwise specifically authorized by law, the court is
8 not empowered under this subsection (2) or under subsection (3)
9 to order specific placements, specific services, or specific
10 service providers to be included in the plan.

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

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

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

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

23 (b) If the permanency goal of the minor cannot be
24 achieved immediately, the specific reasons for continuing
25 the minor in the care of the Department of Children and
26 Family Services or other agency for short term placement,

1 and the following determinations:

2 (i) (Blank).

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

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

19 (iv) (Blank).

20 (v) (Blank).

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

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

1 the restoration of the minor to the custody of his parents or
2 former guardian or custodian.

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

4 (a) The Department, the minor, or the current foster
5 parent or relative caregiver seeking private guardianship
6 may file a motion for private guardianship of the minor.
7 Appointment of a guardian under this Section requires
8 approval of the court.

9 (b) The State's Attorney may file a motion to terminate
10 parental rights of any parent who has failed to make
11 reasonable efforts to correct the conditions which led to
12 the removal of the child or reasonable progress toward the
13 return of the child, as defined in subdivision (D)(m) of
14 Section 1 of the Adoption Act or for whom any other
15 unfitness ground for terminating parental rights as
16 defined in subdivision (D) of Section 1 of the Adoption Act
17 exists.

18 Custody of the minor shall not be restored to any parent,
19 guardian or legal custodian in any case in which the minor is
20 found to be neglected or abused under Section 2-3 or dependent
21 under Section 2-4 of this Act, unless the minor can be cared
22 for at home without endangering his or her health or safety and
23 it is in the best interest of the minor, and if such neglect,
24 abuse, or dependency is found by the court under paragraph (1)
25 of Section 2-21 of this Act to have come about due to the acts
26 or omissions or both of such parent, guardian or legal

1 custodian, until such time as an investigation is made as
2 provided in paragraph (5) and a hearing is held on the issue of
3 the health, safety and best interest of the minor and the
4 fitness of such parent, guardian or legal custodian to care for
5 the minor and the court enters an order that such parent,
6 guardian or legal custodian is fit to care for the minor. In
7 the event that the minor has attained 18 years of age and the
8 guardian or custodian petitions the court for an order
9 terminating his guardianship or custody, guardianship or
10 custody shall terminate automatically 30 days after the receipt
11 of the petition unless the court orders otherwise. No legal
12 custodian or guardian of the person may be removed without his
13 consent until given notice and an opportunity to be heard by
14 the court.

15 When the court orders a child restored to the custody of
16 the parent or parents, the court shall order the parent or
17 parents to cooperate with the Department of Children and Family
18 Services and comply with the terms of an after-care plan, or
19 risk the loss of custody of the child and possible termination
20 of their parental rights. The court may also enter an order of
21 protective supervision in accordance with Section 2-24.

22 (5) Whenever a parent, guardian, or legal custodian files a
23 motion for restoration of custody of the minor, and the minor
24 was adjudicated neglected, abused, or dependent as a result of
25 physical abuse, the court shall cause to be made an
26 investigation as to whether the movant has ever been charged

1 with or convicted of any criminal offense which would indicate
2 the likelihood of any further physical abuse to the minor.
3 Evidence of such criminal convictions shall be taken into
4 account in determining whether the minor can be cared for at
5 home without endangering his or her health or safety and
6 fitness of the parent, guardian, or legal custodian.

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

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

17 (c) All information obtained from any investigation
18 shall be confidential as provided in Section 5-150 of this
19 Act.

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