



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4054

Introduced 2/27/2009, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Foster Youth Successful Transition to Adulthood Act. Establish a program of transitional discharge from foster care for teenage foster children, enabling former foster youths under the age of 21 who encounter significant hardship upon emancipation to reengage with the Department of Children and Family Services and the Juvenile Court, in order to secure essential supports and services available to foster youth seeking to learn to live independently as adults. Amends the Children and Family Services Act. Provides that an abused, neglected, or dependent minor for whom the court has granted a supplemental petition to reinstate wardship may be placed in the custody of or committed to the Department of Children and Family Services. Provides that the Department of Children and Family Services shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, to any minor eligible for the reinstatement of wardship, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 21. Amends the Juvenile Court Act of 1987. Provides that an abused, neglected, or dependent minor between the ages of 18 and 21 may be placed with the Department of Children and Family Services if (1) the court has granted a supplemental petition to reinstate wardship of the minor, or (2) the Court has adjudicated the minor a ward of the court, permitted the minor to return home under an order of protection, and subsequently made a finding that it is in the minor's best interest to vacate the order of protection and commit the minor to the Department of Children and Family Services for care and service.

LRB096 10101 RLC 20267 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning foster children.

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

4 Section 1. Short title. This Act may be cited as the Foster  
5 Youth Successful Transition to Adulthood Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds that:

8 (1) The transition to adulthood is complex, gradual,  
9 and extended. Long after legal emancipation, many young  
10 adults rely heavily on family and other support networks  
11 for extended periods of time for financial, emotional and  
12 other forms of support, to continue with school, choose a  
13 career or find their way in the world of work, secure  
14 health care, and maintain a stable residence;

15 (2) The young adults who "age out" of the child welfare  
16 system are expected to be self-sufficient long before their  
17 peers, with far fewer resources, and often with many  
18 challenges unique to the experience of growing up in foster  
19 care;

20 (3) Many young adults who age out of foster care are  
21 ill-equipped to live independently;

22 (4) Former foster youth who seek to live independently  
23 are especially vulnerable to unemployment, homelessness,

1 mental and physical health-related problems,  
2 incarceration, teen pregnancy and parenting, and other  
3 obstacles to achieving sustainable self-sufficiency; and

4 (5) It is in the interests of foster children who leave  
5 the foster care system prematurely, and who subsequently  
6 find themselves unable to maintain their independence  
7 without additional support, to have a mechanism for  
8 reengaging with the Department of Children and Family  
9 Services and the Juvenile Court, and to secure the support  
10 and services available to foster youth seeking to learn to  
11 live independently as adults.

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

14 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

19 (a) For purposes of this Section:

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

23 (A) were committed to the Department pursuant to  
24 the Juvenile Court Act or the Juvenile Court Act of

1 1987, as amended, prior to the age of 18 and who  
2 continue under the jurisdiction of the court; or

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

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

15 (3) "Child welfare services" means public social  
16 services which are directed toward the accomplishment of  
17 the following purposes:

18 (A) protecting and promoting the health, safety  
19 and welfare of children, including homeless, dependent  
20 or neglected children;

21 (B) remedying, or assisting in the solution of  
22 problems which may result in, the neglect, abuse,  
23 exploitation or delinquency of children;

24 (C) preventing the unnecessary separation of  
25 children from their families by identifying family  
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family  
2 where the prevention of child removal is desirable and  
3 possible when the child can be cared for at home  
4 without endangering the child's health and safety;

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

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

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

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities  
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age  
2 and older, unless a child 18 years of age is in the  
3 last year of high school education or vocational  
4 training, in an approved individual or group treatment  
5 program, in a licensed shelter facility, or secure  
6 child care facility. The Department is not required to  
7 place or maintain children:

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

9 (ii) who are persons with a developmental  
10 disability, as defined in the Mental Health and  
11 Developmental Disabilities Code, or

12 (iii) who are female children who are  
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings, in facilities that  
15 provide separate living quarters for children 18  
16 years of age and older and for children under 18  
17 years of age.

18 (b) Nothing in this Section shall be construed to authorize  
19 the expenditure of public funds for the purpose of performing  
20 abortions.

21 (c) The Department shall establish and maintain  
22 tax-supported child welfare services and extend and seek to  
23 improve voluntary services throughout the State, to the end  
24 that services and care shall be available on an equal basis  
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the  
2 Department. As a prerequisite for an advance disbursement, the  
3 contractor must post a surety bond in the amount of the advance  
4 disbursement and have a purchase of service contract approved  
5 by the Department. The Department may pay up to 2 months  
6 operational expenses in advance. The amount of the advance  
7 disbursement shall be prorated over the life of the contract or  
8 the remaining months of the fiscal year, whichever is less, and  
9 the installment amount shall then be deducted from future  
10 bills. Advance disbursement authorizations for new initiatives  
11 shall not be made to any agency after that agency has operated  
12 during 2 consecutive fiscal years. The requirements of this  
13 Section concerning advance disbursements shall not apply with  
14 respect to the following: payments to local public agencies for  
15 child day care services as authorized by Section 5a of this  
16 Act; and youth service programs receiving grant funds under  
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

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

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall  
12 include provisions for training Department staff and the staff  
13 of Department grantees, through contracts with other agencies  
14 or resources, in alcohol and drug abuse screening techniques  
15 approved by the Department of Human Services, as a successor to  
16 the Department of Alcoholism and Substance Abuse, for the  
17 purpose of identifying children and adults who should be  
18 referred to an alcohol and drug abuse treatment program for  
19 professional evaluation.

20 (h) If the Department finds that there is no appropriate  
21 program or facility within or available to the Department for a  
22 ward and that no licensed private facility has an adequate and  
23 appropriate program or none agrees to accept the ward, the  
24 Department shall create an appropriate individualized,  
25 program-oriented plan for such ward. The plan may be developed  
26 within the Department or through purchase of services by the



1 Department to the extent that it is within its statutory  
2 authority to do.

3 (i) Service programs shall be available throughout the  
4 State and shall include but not be limited to the following  
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

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

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the  
19 services it makes available to children or families or for  
20 which it refers children or families.

21 (j) The Department may provide categories of financial  
22 assistance and education assistance grants, and shall  
23 establish rules and regulations concerning the assistance and  
24 grants, to persons who adopt physically or mentally  
25 handicapped, older and other hard-to-place children who (i)  
26 immediately prior to their adoption were legal wards of the

1 Department or (ii) were determined eligible for financial  
2 assistance with respect to a prior adoption and who become  
3 available for adoption because the prior adoption has been  
4 dissolved and the parental rights of the adoptive parents have  
5 been terminated or because the child's adoptive parents have  
6 died. The Department may continue to provide financial  
7 assistance and education assistance grants for a child who was  
8 determined eligible for financial assistance under this  
9 subsection (j) in the interim period beginning when the child's  
10 adoptive parents died and ending with the finalization of the  
11 new adoption of the child by another adoptive parent or  
12 parents. The Department may also provide categories of  
13 financial assistance and education assistance grants, and  
14 shall establish rules and regulations for the assistance and  
15 grants, to persons appointed guardian of the person under  
16 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
17 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
18 who were wards of the Department for 12 months immediately  
19 prior to the appointment of the guardian.

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

1 Any financial assistance provided under this subsection is  
2 inalienable by assignment, sale, execution, attachment,  
3 garnishment, or any other remedy for recovery or collection of  
4 a judgment or debt.

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

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

13 (l) Before July 1, 2000, the Department may provide, and  
14 beginning July 1, 2000, the Department shall offer family  
15 preservation services, as defined in Section 8.2 of the Abused  
16 and Neglected Child Reporting Act, to help families, including  
17 adoptive and extended families. Family preservation services  
18 shall be offered (i) to prevent the placement of children in  
19 substitute care when the children can be cared for at home or  
20 in the custody of the person responsible for the children's  
21 welfare, (ii) to reunite children with their families, or (iii)  
22 to maintain an adoptive placement. Family preservation  
23 services shall only be offered when doing so will not endanger  
24 the children's health or safety. With respect to children who  
25 are in substitute care pursuant to the Juvenile Court Act of  
26 1987, family preservation services shall not be offered if a

1 goal other than those of subdivisions (A), (B), or (B-1) of  
2 subsection (2) of Section 2-28 of that Act has been set.  
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.

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

25 The Department may, at its discretion except for those  
26 children also adjudicated neglected or dependent, accept for

1 care and training any child who has been adjudicated addicted,  
2 as a truant minor in need of supervision or as a minor  
3 requiring authoritative intervention, under the Juvenile Court  
4 Act or the Juvenile Court Act of 1987, but no such child shall  
5 be committed to the Department by any court without the  
6 approval of the Department. A minor charged with a criminal  
7 offense under the Criminal Code of 1961 or adjudicated  
8 delinquent shall not be placed in the custody of or committed  
9 to the Department by any court, except (i) a minor less than 15  
10 years of age committed to the Department under Section 5-710 of  
11 the Juvenile Court Act of 1987, (ii) ~~or~~ a minor for whom an  
12 independent basis of abuse, neglect, or dependency exists,  
13 which must be defined by departmental rule, or (iii) a minor  
14 for whom the court has granted a supplemental petition to  
15 reinstate wardship pursuant to subsection (2) of Section 2-33  
16 of the Juvenile Court Act of 1987. An independent basis exists  
17 when the allegations or adjudication of abuse, neglect, or  
18 dependency do not arise from the same facts, incident, or  
19 circumstances which give rise to a charge or adjudication of  
20 delinquency.

21 (1-1) The legislature recognizes that the best interests of  
22 the child require that the child be placed in the most  
23 permanent living arrangement as soon as is practically  
24 possible. To achieve this goal, the legislature directs the  
25 Department of Children and Family Services to conduct  
26 concurrent planning so that permanency may occur at the

1 earliest opportunity. Permanent living arrangements may  
2 include prevention of placement of a child outside the home of  
3 the family when the child can be cared for at home without  
4 endangering the child's health or safety; reunification with  
5 the family, when safe and appropriate, if temporary placement  
6 is necessary; or movement of the child toward the most  
7 permanent living arrangement and permanent legal status.

8 When determining reasonable efforts to be made with respect  
9 to a child, as described in this subsection, and in making such  
10 reasonable efforts, the child's health and safety shall be the  
11 paramount concern.

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

24 A decision to place a child in substitute care shall be  
25 made with considerations of the child's health, safety, and  
26 best interests. At the time of placement, consideration should

1 also be given so that if reunification fails or is delayed, the  
2 placement made is the best available placement to provide  
3 permanency for the child.

4 The Department shall adopt rules addressing concurrent  
5 planning for reunification and permanency. The Department  
6 shall consider the following factors when determining  
7 appropriateness of concurrent planning:

8 (1) the likelihood of prompt reunification;

9 (2) the past history of the family;

10 (3) the barriers to reunification being addressed by  
11 the family;

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

13 (5) the foster parents' willingness to work with the  
14 family to reunite;

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

17 (7) the age of the child;

18 (8) placement of siblings.

19 (m) The Department may assume temporary custody of any  
20 child if:

21 (1) it has received a written consent to such temporary  
22 custody signed by the parents of the child or by the parent  
23 having custody of the child if the parents are not living  
24 together or by the guardian or custodian of the child if  
25 the child is not in the custody of either parent, or

26 (2) the child is found in the State and neither a

1 parent, guardian nor custodian of the child can be located.  
2 If the child is found in his or her residence without a parent,  
3 guardian, custodian or responsible caretaker, the Department  
4 may, instead of removing the child and assuming temporary  
5 custody, place an authorized representative of the Department  
6 in that residence until such time as a parent, guardian or  
7 custodian enters the home and expresses a willingness and  
8 apparent ability to ensure the child's health and safety and  
9 resume permanent charge of the child, or until a relative  
10 enters the home and is willing and able to ensure the child's  
11 health and safety and assume charge of the child until a  
12 parent, guardian or custodian enters the home and expresses  
13 such willingness and ability to ensure the child's safety and  
14 resume permanent charge. After a caretaker has remained in the  
15 home for a period not to exceed 12 hours, the Department must  
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
17 5-415 of the Juvenile Court Act of 1987.

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



1 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
2 Court Act of 1987, shall have the authority, responsibilities  
3 and duties that a legal custodian of the child would have under  
4 subsection (9) of Section 1-3 of the Juvenile Court Act of  
5 1987.

6 The Department shall ensure that any child taken into  
7 custody is scheduled for an appointment for a medical  
8 examination.

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

25 (m-1) The Department may place children under 18 years of  
26 age in a secure child care facility licensed by the Department

1 that cares for children who are in need of secure living  
2 arrangements for their health, safety, and well-being after a  
3 determination is made by the facility director and the Director  
4 or the Director's designate prior to admission to the facility  
5 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
6 This subsection (m-1) does not apply to a child who is subject  
7 to placement in a correctional facility operated pursuant to  
8 Section 3-15-2 of the Unified Code of Corrections, unless the  
9 child is a ward who was placed under the care of the Department  
10 before being subject to placement in a correctional facility  
11 and a court of competent jurisdiction has ordered placement of  
12 the child in a secure care facility.

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

1 child in institutions for dependent or neglected children  
2 operated by the Department. However, such restriction on  
3 payments does not apply in cases where children require  
4 specialized care and treatment for problems of severe emotional  
5 disturbance, physical disability, social adjustment, or any  
6 combination thereof and suitable facilities for the placement  
7 of such children are not available at payment rates within the  
8 limitations set forth in this Section. All reimbursements for  
9 services delivered shall be absolutely inalienable by  
10 assignment, sale, attachment, garnishment or otherwise.

11 (n-1) The Department shall provide or authorize child  
12 welfare services, aimed at assisting minors to achieve  
13 sustainable self-sufficiency as independent adults, for any  
14 minor eligible for the reinstatement of wardship pursuant to  
15 subsection (2) of Section 2-33 of the Juvenile Court Act of  
16 1987, whether or not such reinstatement is sought or allowed,  
17 provided that the minor consents to such services and has not  
18 yet attained the age of 21. The Department shall have primary  
19 responsibility for the development and delivery of trial  
20 discharge services, but inter-agency cooperation and  
21 collaboration must be undertaken with the Illinois Department  
22 of Human Services. An eligible youth may access trial discharge  
23 services by contacting the Department of Children and Family  
24 Services or the Illinois Department of Human Services. Youth  
25 participating in trial discharge services shall cooperate with  
26 the assigned case manager in developing an agreement

1 identifying the services to be provided and how the youth will  
2 increase skills to achieve self sufficiency. A homeless shelter  
3 is not considered appropriate housing for any youth receiving  
4 child welfare services under this Section. The Department shall  
5 continue child welfare services under this Section to any  
6 eligible minor until the minor becomes 21 years of age, no  
7 longer consents to participate, or achieves self-sufficiency  
8 as identified in the minor's service plan. The Department of  
9 Children and Family Services and the Department of Human  
10 Services shall create and disseminate throughout the State  
11 clear, readable notice of the rights of former foster youth to  
12 child welfare services under this Section and how such services  
13 can be obtained. The Department shall adopt regulations  
14 describing services intended to assist minors in achieving  
15 sustainable self sufficiency as independent adults.

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

1 children and foster families. The Department shall accept for  
2 administrative review and an appeal hearing a complaint made by  
3 (i) a child or foster family concerning a decision following an  
4 initial review by a private child welfare agency or (ii) a  
5 prospective adoptive parent who alleges a violation of  
6 subsection (j-5) of this Section. An appeal of a decision  
7 concerning a change in the placement of a child shall be  
8 conducted in an expedited manner.

9 (p) There is hereby created the Department of Children and  
10 Family Services Emergency Assistance Fund from which the  
11 Department may provide special financial assistance to  
12 families which are in economic crisis when such assistance is  
13 not available through other public or private sources and the  
14 assistance is deemed necessary to prevent dissolution of the  
15 family unit or to reunite families which have been separated  
16 due to child abuse and neglect. The Department shall establish  
17 administrative rules specifying the criteria for determining  
18 eligibility for and the amount and nature of assistance to be  
19 provided. The Department may also enter into written agreements  
20 with private and public social service agencies to provide  
21 emergency financial services to families referred by the  
22 Department. Special financial assistance payments shall be  
23 available to a family no more than once during each fiscal year  
24 and the total payments to a family may not exceed \$500 during a  
25 fiscal year.

26 (q) The Department may receive and use, in their entirety,

1 for the benefit of children any gift, donation or bequest of  
2 money or other property which is received on behalf of such  
3 children, or any financial benefits to which such children are  
4 or may become entitled while under the jurisdiction or care of  
5 the Department.

6 The Department shall set up and administer no-cost,  
7 interest-bearing accounts in appropriate financial  
8 institutions for children for whom the Department is legally  
9 responsible and who have been determined eligible for Veterans'  
10 Benefits, Social Security benefits, assistance allotments from  
11 the armed forces, court ordered payments, parental voluntary  
12 payments, Supplemental Security Income, Railroad Retirement  
13 payments, Black Lung benefits, or other miscellaneous  
14 payments. Interest earned by each account shall be credited to  
15 the account, unless disbursed in accordance with this  
16 subsection.

17 In disbursing funds from children's accounts, the  
18 Department shall:

19 (1) Establish standards in accordance with State and  
20 federal laws for disbursing money from children's  
21 accounts. In all circumstances, the Department's  
22 "Guardianship Administrator" or his or her designee must  
23 approve disbursements from children's accounts. The  
24 Department shall be responsible for keeping complete  
25 records of all disbursements for each account for any  
26 purpose.

1           (2) Calculate on a monthly basis the amounts paid from  
2           State funds for the child's board and care, medical care  
3           not covered under Medicaid, and social services; and  
4           utilize funds from the child's account, as covered by  
5           regulation, to reimburse those costs. Monthly,  
6           disbursements from all children's accounts, up to 1/12 of  
7           \$13,000,000, shall be deposited by the Department into the  
8           General Revenue Fund and the balance over 1/12 of  
9           \$13,000,000 into the DCFS Children's Services Fund.

10          (3) Maintain any balance remaining after reimbursing  
11          for the child's costs of care, as specified in item (2).  
12          The balance shall accumulate in accordance with relevant  
13          State and federal laws and shall be disbursed to the child  
14          or his or her guardian, or to the issuing agency.

15          (r) The Department shall promulgate regulations  
16          encouraging all adoption agencies to voluntarily forward to the  
17          Department or its agent names and addresses of all persons who  
18          have applied for and have been approved for adoption of a  
19          hard-to-place or handicapped child and the names of such  
20          children who have not been placed for adoption. A list of such  
21          names and addresses shall be maintained by the Department or  
22          its agent, and coded lists which maintain the confidentiality  
23          of the person seeking to adopt the child and of the child shall  
24          be made available, without charge, to every adoption agency in  
25          the State to assist the agencies in placing such children for  
26          adoption. The Department may delegate to an agent its duty to

1 maintain and make available such lists. The Department shall  
2 ensure that such agent maintains the confidentiality of the  
3 person seeking to adopt the child and of the child.

4 (s) The Department of Children and Family Services may  
5 establish and implement a program to reimburse Department and  
6 private child welfare agency foster parents licensed by the  
7 Department of Children and Family Services for damages  
8 sustained by the foster parents as a result of the malicious or  
9 negligent acts of foster children, as well as providing third  
10 party coverage for such foster parents with regard to actions  
11 of foster children to other individuals. Such coverage will be  
12 secondary to the foster parent liability insurance policy, if  
13 applicable. The program shall be funded through appropriations  
14 from the General Revenue Fund, specifically designated for such  
15 purposes.

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

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

22 (2) the court has ordered one or both of the parties to  
23 the proceeding to reimburse the Department for its  
24 reasonable costs for providing such services in accordance  
25 with Department rules, or has determined that neither party  
26 is financially able to pay.



1           The Department shall provide written notification to the  
2 court of the specific arrangements for supervised visitation  
3 and projected monthly costs within 60 days of the court order.  
4 The Department shall send to the court information related to  
5 the costs incurred except in cases where the court has  
6 determined the parties are financially unable to pay. The court  
7 may order additional periodic reports as appropriate.

8           (u) In addition to other information that must be provided,  
9 whenever the Department places a child with a prospective  
10 adoptive parent or parents or in a licensed foster home, group  
11 home, child care institution, or in a relative home, the  
12 Department shall provide to the prospective adoptive parent or  
13 parents or other caretaker:

14           (1) available detailed information concerning the  
15 child's educational and health history, copies of  
16 immunization records (including insurance and medical card  
17 information), a history of the child's previous  
18 placements, if any, and reasons for placement changes  
19 excluding any information that identifies or reveals the  
20 location of any previous caretaker;

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

24           (3) information containing details of the child's  
25 individualized educational plan when the child is  
26 receiving special education services.

1           The caretaker shall be informed of any known social or  
2 behavioral information (including, but not limited to,  
3 criminal background, fire setting, perpetuation of sexual  
4 abuse, destructive behavior, and substance abuse) necessary to  
5 care for and safeguard the children to be placed or currently  
6 in the home. The Department may prepare a written summary of  
7 the information required by this paragraph, which may be  
8 provided to the foster or prospective adoptive parent in  
9 advance of a placement. The foster or prospective adoptive  
10 parent may review the supporting documents in the child's file  
11 in the presence of casework staff. In the case of an emergency  
12 placement, casework staff shall at least provide known  
13 information verbally, if necessary, and must subsequently  
14 provide the information in writing as required by this  
15 subsection.

16           The information described in this subsection shall be  
17 provided in writing. In the case of emergency placements when  
18 time does not allow prior review, preparation, and collection  
19 of written information, the Department shall provide such  
20 information as it becomes available. Within 10 business days  
21 after placement, the Department shall obtain from the  
22 prospective adoptive parent or parents or other caretaker a  
23 signed verification of receipt of the information provided.  
24 Within 10 business days after placement, the Department shall  
25 provide to the child's guardian ad litem a copy of the  
26 information provided to the prospective adoptive parent or

1 parents or other caretaker. The information provided to the  
2 prospective adoptive parent or parents or other caretaker shall  
3 be reviewed and approved regarding accuracy at the supervisory  
4 level.

5 (u-5) Effective July 1, 1995, only foster care placements  
6 licensed as foster family homes pursuant to the Child Care Act  
7 of 1969 shall be eligible to receive foster care payments from  
8 the Department. Relative caregivers who, as of July 1, 1995,  
9 were approved pursuant to approved relative placement rules  
10 previously promulgated by the Department at 89 Ill. Adm. Code  
11 335 and had submitted an application for licensure as a foster  
12 family home may continue to receive foster care payments only  
13 until the Department determines that they may be licensed as a  
14 foster family home or that their application for licensure is  
15 denied or until September 30, 1995, whichever occurs first.

16 (v) The Department shall access criminal history record  
17 information as defined in the Illinois Uniform Conviction  
18 Information Act and information maintained in the adjudicatory  
19 and dispositional record system as defined in Section 2605-355  
20 of the Department of State Police Law (20 ILCS 2605/2605-355)  
21 if the Department determines the information is necessary to  
22 perform its duties under the Abused and Neglected Child  
23 Reporting Act, the Child Care Act of 1969, and the Children and  
24 Family Services Act. The Department shall provide for  
25 interactive computerized communication and processing  
26 equipment that permits direct on-line communication with the

1 Department of State Police's central criminal history data  
2 repository. The Department shall comply with all certification  
3 requirements and provide certified operators who have been  
4 trained by personnel from the Department of State Police. In  
5 addition, one Office of the Inspector General investigator  
6 shall have training in the use of the criminal history  
7 information access system and have access to the terminal. The  
8 Department of Children and Family Services and its employees  
9 shall abide by rules and regulations established by the  
10 Department of State Police relating to the access and  
11 dissemination of this information.

12 (v-1) Prior to final approval for placement of a child, the  
13 Department shall conduct a criminal records background check of  
14 the prospective foster or adoptive parent, including  
15 fingerprint-based checks of national crime information  
16 databases. Final approval for placement shall not be granted if  
17 the record check reveals a felony conviction for child abuse or  
18 neglect, for spousal abuse, for a crime against children, or  
19 for a crime involving violence, including rape, sexual assault,  
20 or homicide, but not including other physical assault or  
21 battery, or if there is a felony conviction for physical  
22 assault, battery, or a drug-related offense committed within  
23 the past 5 years.

24 (v-2) Prior to final approval for placement of a child, the  
25 Department shall check its child abuse and neglect registry for  
26 information concerning prospective foster and adoptive

1 parents, and any adult living in the home. If any prospective  
2 foster or adoptive parent or other adult living in the home has  
3 resided in another state in the preceding 5 years, the  
4 Department shall request a check of that other state's child  
5 abuse and neglect registry.

6 (w) Within 120 days of August 20, 1995 (the effective date  
7 of Public Act 89-392), the Department shall prepare and submit  
8 to the Governor and the General Assembly, a written plan for  
9 the development of in-state licensed secure child care  
10 facilities that care for children who are in need of secure  
11 living arrangements for their health, safety, and well-being.  
12 For purposes of this subsection, secure care facility shall  
13 mean a facility that is designed and operated to ensure that  
14 all entrances and exits from the facility, a building or a  
15 distinct part of the building, are under the exclusive control  
16 of the staff of the facility, whether or not the child has the  
17 freedom of movement within the perimeter of the facility,  
18 building, or distinct part of the building. The plan shall  
19 include descriptions of the types of facilities that are needed  
20 in Illinois; the cost of developing these secure care  
21 facilities; the estimated number of placements; the potential  
22 cost savings resulting from the movement of children currently  
23 out-of-state who are projected to be returned to Illinois; the  
24 necessary geographic distribution of these facilities in  
25 Illinois; and a proposed timetable for development of such  
26 facilities.

1 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;  
2 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;  
3 95-876, eff. 8-21-08.)

4 Section 15. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 2-23, 2-27, 2-31, and 2-33 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 Minors Act.

23 However, in any case in which a minor is found by the  
24 court to be neglected or abused under Section 2-3 of this

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

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

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

1 care for the minor.

2 (b-1) A minor between the ages of 18 and 21 may be placed  
3 pursuant to Section 2-27 of this Act if (1) the court has  
4 granted a supplemental petition to reinstate wardship of the  
5 minor pursuant to subsection (2) of Section 2-33, or (2) the  
6 Court has adjudicated the minor a ward of the court, permitted  
7 the minor to return home under an order of protection, and  
8 subsequently made a finding that it is in the minor's best  
9 interest to vacate the order of protection and commit the minor  
10 to the Department of Children and Family Services for care and  
11 service.

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

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

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



1           (3) The court also shall enter any other orders necessary  
2 to fulfill the service plan, including, but not limited to, (i)  
3 orders requiring parties to cooperate with services, (ii)  
4 restraining orders controlling the conduct of any party likely  
5 to frustrate the achievement of the goal, and (iii) visiting  
6 orders. Unless otherwise specifically authorized by law, the  
7 court is not empowered under this subsection (3) to order  
8 specific placements, specific services, or specific service  
9 providers to be included in the plan. If the court concludes  
10 that the Department of Children and Family Services has abused  
11 its discretion in setting the current service plan or  
12 permanency goal for the minor, the court shall enter specific  
13 findings in writing based on the evidence and shall enter an  
14 order for the Department to develop and implement a new  
15 permanency goal and service plan consistent with the court's  
16 findings. The new service plan shall be filed with the court  
17 and served on all parties. The court shall continue the matter  
18 until the new service plan is filed.

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

1 such restitution on the minor's behalf.

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

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

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

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

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

21 (1) If the court determines and puts in writing the factual  
22 basis supporting the determination of whether the parents,  
23 guardian, or legal custodian of a minor adjudged a ward of the  
24 court are unfit or are unable, for some reason other than  
25 financial circumstances alone, to care for, protect, train or

1 discipline the minor or are unwilling to do so, and that the  
2 health, safety, and best interest of the minor will be  
3 jeopardized if the minor remains in the custody of his or her  
4 parents, guardian or custodian, the court may at this hearing  
5 and at any later point:

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

8 (a-5) with the approval of the Department of Children  
9 and Family Services, place the minor in the subsidized  
10 guardianship of a suitable relative or other person as  
11 legal guardian; "subsidized guardianship" means a private  
12 guardianship arrangement for children for whom the  
13 permanency goals of return home and adoption have been  
14 ruled out and who meet the qualifications for subsidized  
15 guardianship as defined by the Department of Children and  
16 Family Services in administrative rules;

17 (b) place the minor under the guardianship of a  
18 probation officer;

19 (c) commit the minor to an agency for care or  
20 placement, except an institution under the authority of the  
21 Department of Corrections or of the Department of Children  
22 and Family Services;

23 (d) commit the minor to the Department of Children and  
24 Family Services for care and service; however, a minor  
25 charged with a criminal offense under the Criminal Code of  
26 1961 or adjudicated delinquent shall not be placed in the

1 custody of or committed to the Department of Children and  
2 Family Services by any court, except (i) a minor less than  
3 15 years of age and committed to the Department of Children  
4 and Family Services under Section 5-710 of this Act, (ii)  
5 ~~or~~ a minor for whom an independent basis of abuse, neglect,  
6 or dependency exists, or (iii) a minor for whom the court  
7 has granted a supplemental petition to reinstate wardship  
8 pursuant to subsection (2) of Section 2-33 of this Act. An  
9 independent basis exists when the allegations or  
10 adjudication of abuse, neglect, or dependency do not arise  
11 from the same facts, incident, or circumstances which give  
12 rise to a charge or adjudication of delinquency. The  
13 Department shall be given due notice of the pendency of the  
14 action and the Guardianship Administrator of the  
15 Department of Children and Family Services shall be  
16 appointed guardian of the person of the minor. Whenever the  
17 Department seeks to discharge a minor from its care and  
18 service, the Guardianship Administrator shall petition the  
19 court for an order terminating guardianship. The  
20 Guardianship Administrator may designate one or more other  
21 officers of the Department, appointed as Department  
22 officers by administrative order of the Department  
23 Director, authorized to affix the signature of the  
24 Guardianship Administrator to documents affecting the  
25 guardian-ward relationship of children for whom he or she  
26 has been appointed guardian at such times as he or she is

1           unable to perform the duties of his or her office. The  
2           signature authorization shall include but not be limited to  
3           matters of consent of marriage, enlistment in the armed  
4           forces, legal proceedings, adoption, major medical and  
5           surgical treatment and application for driver's license.  
6           Signature authorizations made pursuant to the provisions  
7           of this paragraph shall be filed with the Secretary of  
8           State and the Secretary of State shall provide upon payment  
9           of the customary fee, certified copies of the authorization  
10          to any court or individual who requests a copy.

11          (1.5) In making a determination under this Section, the  
12          court shall also consider whether, based on health, safety, and  
13          the best interests of the minor,

14               (a) appropriate services aimed at family preservation  
15               and family reunification have been unsuccessful in  
16               rectifying the conditions that have led to a finding of  
17               unfitness or inability to care for, protect, train, or  
18               discipline the minor, or

19               (b) no family preservation or family reunification  
20               services would be appropriate,

21          and if the petition or amended petition contained an allegation  
22          that the parent is an unfit person as defined in subdivision  
23          (D) of Section 1 of the Adoption Act, and the order of  
24          adjudication recites that parental unfitness was established  
25          by clear and convincing evidence, the court shall, when  
26          appropriate and in the best interest of the minor, enter an

1 order terminating parental rights and appointing a guardian  
2 with power to consent to adoption in accordance with Section  
3 2-29.

4 When making a placement, the court, wherever possible,  
5 shall require the Department of Children and Family Services to  
6 select a person holding the same religious belief as that of  
7 the minor or a private agency controlled by persons of like  
8 religious faith of the minor and shall require the Department  
9 to otherwise comply with Section 7 of the Children and Family  
10 Services Act in placing the child. In addition, whenever  
11 alternative plans for placement are available, the court shall  
12 ascertain and consider, to the extent appropriate in the  
13 particular case, the views and preferences of the minor.

14 (2) When a minor is placed with a suitable relative or  
15 other person pursuant to item (a) of subsection (1), the court  
16 shall appoint him or her the legal custodian or guardian of the  
17 person of the minor. When a minor is committed to any agency,  
18 the court shall appoint the proper officer or representative  
19 thereof as legal custodian or guardian of the person of the  
20 minor. Legal custodians and guardians of the person of the  
21 minor have the respective rights and duties set forth in  
22 subsection (9) of Section 1-3 except as otherwise provided by  
23 order of court; but no guardian of the person may consent to  
24 adoption of the minor unless that authority is conferred upon  
25 him or her in accordance with Section 2-29. An agency whose  
26 representative is appointed guardian of the person or legal

1 custodian of the minor may place the minor in any child care  
2 facility, but the facility must be licensed under the Child  
3 Care Act of 1969 or have been approved by the Department of  
4 Children and Family Services as meeting the standards  
5 established for such licensing. No agency may place a minor  
6 adjudicated under Sections 2-3 or 2-4 in a child care facility  
7 unless the placement is in compliance with the rules and  
8 regulations for placement under this Section promulgated by the  
9 Department of Children and Family Services under Section 5 of  
10 the Children and Family Services Act. Like authority and  
11 restrictions shall be conferred by the court upon any probation  
12 officer who has been appointed guardian of the person of a  
13 minor.

14 (3) No placement by any probation officer or agency whose  
15 representative is appointed guardian of the person or legal  
16 custodian of a minor may be made in any out of State child care  
17 facility unless it complies with the Interstate Compact on the  
18 Placement of Children. Placement with a parent, however, is not  
19 subject to that Interstate Compact.

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

24 (5) Custody or guardianship granted under this Section  
25 continues until the court otherwise directs, but not after the  
26 minor reaches the age of 19 years except as set forth in

1     Section 2-31, or if the minor was previously committed to the  
2     Department of Children and Family Services for care and service  
3     and the court has granted a supplemental petition to reinstate  
4     wardship pursuant to subsection (2) of Section 2-33.

5             (6) (Blank).

6     (Source: P.A. 95-642, eff. 6-1-08.)

7             (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

8             Sec. 2-31. Duration of wardship and discharge of  
9     proceedings.

10            (1) All proceedings under this Act in respect of any minor  
11     for whom a petition was filed after the effective date of this  
12     amendatory Act of 1991 automatically terminate upon his  
13     attaining the age of 19 years, except that a court may continue  
14     the wardship of a minor until age 21 for good cause when there  
15     is satisfactory evidence presented to the court and the court  
16     makes written factual findings that the health, safety, and  
17     best interest of the minor and the public require the  
18     continuation of the wardship.

19            (2) Whenever the court determines, and makes written  
20     factual findings, that health, safety, and the best interests  
21     of the minor and the public no longer require the wardship of  
22     the court, the court shall order the wardship terminated and  
23     all proceedings under this Act respecting that minor finally  
24     closed and discharged. The court may at the same time continue  
25     or terminate any custodianship or guardianship theretofore



1 ordered but the termination must be made in compliance with  
2 Section 2-28. When terminating wardship under this Section, if  
3 the minor is over 18, or if wardship is terminated in  
4 conjunction with an order partially or completely emancipating  
5 the minor in accordance with the Emancipation of Minors Act,  
6 the Court shall also make specific findings of fact as to the  
7 minor's wishes regarding case closure and the manner in which  
8 the minor will maintain independence. The minor's lack of  
9 cooperation with services provided by the Department of  
10 Children and Family Services shall not by itself be considered  
11 sufficient evidence that the minor is prepared to live  
12 independently and that it is in the best interest of the minor  
13 to terminate wardship.

14 (3) The wardship of the minor and any custodianship or  
15 guardianship respecting the minor for whom a petition was filed  
16 after the effective date of this amendatory Act of 1991  
17 automatically terminates when he attains the age of 19 years  
18 except as set forth in subsection (1) of this Section. The  
19 clerk of the court shall at that time record all proceedings  
20 under this Act as finally closed and discharged for that  
21 reason.

22 (Source: P.A. 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,  
23 eff. 7-30-98.)

24 (705 ILCS 405/2-33)

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

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

4 (a) wardship and guardianship under the Juvenile Court  
5 Act of 1987 was vacated in conjunction with the appointment  
6 of a private guardian under the Probate Act of 1975;

7 (b) the minor is not presently a ward of the court  
8 under Article II of this Act nor is there a petition for  
9 adjudication of wardship pending on behalf of the minor;  
10 and

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

13 (2) Any time prior to a minor's 21st birthday, pursuant to  
14 a supplemental petition filed under this Section, the court may  
15 reinstate wardship and open a previously closed case when:

16 (a) wardship and guardianship under this Act was  
17 vacated pursuant to:

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

20 (ii) closure of a case under subsection (2) of  
21 Section 2-31 in the case of a minor under the age of 18  
22 who has been partially or completely emancipated in  
23 accordance with the Emancipation of Minors Act; or

24 (iii); an order entered under subsection (3) of  
25 Section 2-31 based on the minor's attaining the age of  
26 19 years;

1           (b) the minor is not presently a ward of the court  
2           under Article II of this Act nor is there a petition for  
3           adjudication of wardship pending on behalf of the minor;  
4           and

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

7           (3) The supplemental petition must be filed in the same  
8           proceeding in which the original adjudication order was  
9           entered. Unless excused by court for good cause shown, the  
10          petitioner shall give notice of the time and place of the  
11          hearing on the supplemental petition, in person or by mail, to  
12          the minor, if the minor is 14 years of age or older, and to the  
13          parties to the juvenile court proceeding. Notice shall be  
14          provided at least 3 court days in advance of the hearing date.

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

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

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

1           the minor; and

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

5           (Source: P.A. 90-608, eff. 6-30-98.)

1

INDEX

2

Statutes amended in order of appearance

3

New Act

4

20 ILCS 505/5

from Ch. 23, par. 5005

5

705 ILCS 405/2-23

from Ch. 37, par. 802-23

6

705 ILCS 405/2-27

from Ch. 37, par. 802-27

7

705 ILCS 405/2-31

from Ch. 37, par. 802-31

8

705 ILCS 405/2-33