



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5592

Introduced 2/15/2012, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

20 ILCS 505/7	from Ch. 23, par. 5007
20 ILCS 505/7.4	
705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/2-23	from Ch. 37, par. 802-23
705 ILCS 405/2-28	from Ch. 37, par. 802-28
750 ILCS 50/18.3	from Ch. 40, par. 1522.3

Amends the Children and Family Services Act. Provides that in placing a child under the Act, the Department of Children and Family Services shall place the child with the child's sibling or siblings unless the placement is not in each child's best interest, or is otherwise not possible under the Department's rules. Provides that if the child is not placed with a sibling under the Department's rules, the Department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships, where doing so is in each child's best interest. Amends the Juvenile Court Act of 1987. Provides that where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, and when the child has siblings in care, the Department of Children and Family Services shall file with the court and serve on the parties a sibling placement and contact plan within 10 days, excluding weekends and holidays, after the appointment. Amends the Adoption Act. Provides that former wards of the Department of Children and Family Services between the ages of 18 and 21 who have been surrendered or adopted shall not be required to complete an Illinois Adoption Registry Application prior to commencement of the search of birth parent information. Effective immediately.

LRB097 16555 RLC 66075 b

1 AN ACT concerning siblings.

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 Sections 7 and 7.4 as follows:

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department
9 shall place the ~~such~~ child, as far as possible, in the care and
10 custody of some individual holding the same religious belief as
11 the parents of the child, or with some child care facility
12 which is operated by persons of like religious faith as the
13 parents of such child.

14 (a-5) In placing a child under this Act, the Department
15 shall place the child with the child's sibling or siblings
16 under Section 7.4 of this Act unless the placement is not in
17 each child's best interest, or is otherwise not possible under
18 the Department's rules. If the child is not placed with a
19 sibling under the Department's rules, the Department shall
20 consider placements that are likely to develop, preserve,
21 nurture, and support sibling relationships, where doing so is
22 in each child's best interest.

23 (b) In placing a child under this Act, the Department may

1 place a child with a relative if the Department determines that
2 the relative will be able to adequately provide for the child's
3 safety and welfare based on the factors set forth in the
4 Department's rules governing relative placements, and that the
5 placement is consistent with the child's best interests, taking
6 into consideration the factors set out in subsection (4.05) of
7 Section 1-3 of the Juvenile Court Act of 1987.

8 When the Department first assumes custody of a child, in
9 placing that child under this Act, the Department shall make
10 reasonable efforts to identify and locate a relative who is
11 ready, willing, and able to care for the child. At a minimum,
12 these efforts shall be renewed each time the child requires a
13 placement change and it is appropriate for the child to be
14 cared for in a home environment. The Department must document
15 its efforts to identify and locate such a relative placement
16 and maintain the documentation in the child's case file.

17 If the Department determines that a placement with any
18 identified relative is not in the child's best interests or
19 that the relative does not meet the requirements to be a
20 relative caregiver, as set forth in Department rules or by
21 statute, the Department must document the basis for that
22 decision and maintain the documentation in the child's case
23 file.

24 If, pursuant to the Department's rules, any person files an
25 administrative appeal of the Department's decision not to place
26 a child with a relative, it is the Department's burden to prove

1 that the decision is consistent with the child's best
2 interests.

3 When the Department determines that the child requires
4 placement in an environment, other than a home environment, the
5 Department shall continue to make reasonable efforts to
6 identify and locate relatives to serve as visitation resources
7 for the child and potential future placement resources, except
8 when the Department determines that those efforts would be
9 futile or inconsistent with the child's best interests.

10 If the Department determines that efforts to identify and
11 locate relatives would be futile or inconsistent with the
12 child's best interests, the Department shall document the basis
13 of its determination and maintain the documentation in the
14 child's case file.

15 If the Department determines that an individual or a group
16 of relatives are inappropriate to serve as visitation resources
17 or possible placement resources, the Department shall document
18 the basis of its determination and maintain the documentation
19 in the child's case file.

20 When the Department determines that an individual or a
21 group of relatives are appropriate to serve as visitation
22 resources or possible future placement resources, the
23 Department shall document the basis of its determination,
24 maintain the documentation in the child's case file, create a
25 visitation or transition plan, or both, and incorporate the
26 visitation or transition plan, or both, into the child's case

1 plan. For the purpose of this subsection, any determination as
2 to the child's best interests shall include consideration of
3 the factors set out in subsection (4.05) of Section 1-3 of the
4 Juvenile Court Act of 1987.

5 The Department may not place a child with a relative, with
6 the exception of certain circumstances which may be waived as
7 defined by the Department in rules, if the results of a check
8 of the Law Enforcement Agencies Data System (LEADS) identifies
9 a prior criminal conviction of the relative or any adult member
10 of the relative's household for any of the following offenses
11 under the Criminal Code of 1961:

12 (1) murder;

13 (1.1) solicitation of murder;

14 (1.2) solicitation of murder for hire;

15 (1.3) intentional homicide of an unborn child;

16 (1.4) voluntary manslaughter of an unborn child;

17 (1.5) involuntary manslaughter;

18 (1.6) reckless homicide;

19 (1.7) concealment of a homicidal death;

20 (1.8) involuntary manslaughter of an unborn child;

21 (1.9) reckless homicide of an unborn child;

22 (1.10) drug-induced homicide;

23 (2) a sex offense under Article 11, except offenses
24 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
25 11-40, and 11-45;

26 (3) kidnapping;

- 1 (3.1) aggravated unlawful restraint;
- 2 (3.2) forcible detention;
- 3 (3.3) aiding and abetting child abduction;
- 4 (4) aggravated kidnapping;
- 5 (5) child abduction;
- 6 (6) aggravated battery of a child as described in
- 7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 8 (7) criminal sexual assault;
- 9 (8) aggravated criminal sexual assault;
- 10 (8.1) predatory criminal sexual assault of a child;
- 11 (9) criminal sexual abuse;
- 12 (10) aggravated sexual abuse;
- 13 (11) heinous battery as described in Section 12-4.1 or
- 14 subdivision (a) (2) of Section 12-3.05;
- 15 (12) aggravated battery with a firearm as described in
- 16 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 17 (e) (4) of Section 12-3.05;
- 18 (13) tampering with food, drugs, or cosmetics;
- 19 (14) drug-induced infliction of great bodily harm as
- 20 described in Section 12-4.7 or subdivision (g) (1) of
- 21 Section 12-3.05;
- 22 (15) aggravated stalking;
- 23 (16) home invasion;
- 24 (17) vehicular invasion;
- 25 (18) criminal transmission of HIV;
- 26 (19) criminal abuse or neglect of an elderly or

1 disabled person as described in Section 12-21 or subsection
2 (b) of Section 12-4.4a;
3 (20) child abandonment;
4 (21) endangering the life or health of a child;
5 (22) ritual mutilation;
6 (23) ritualized abuse of a child;
7 (24) an offense in any other state the elements of
8 which are similar and bear a substantial relationship to
9 any of the foregoing offenses.

10 For the purpose of this subsection, "relative" shall include
11 any person, 21 years of age or over, other than the parent, who
12 (i) is currently related to the child in any of the following
13 ways by blood or adoption: grandparent, sibling,
14 great-grandparent, uncle, aunt, nephew, niece, first cousin,
15 second cousin, godparent, great-uncle, or great-aunt; or (ii)
16 is the spouse of such a relative; or (iii) is the child's
17 step-father, step-mother, or adult step-brother or
18 step-sister; "relative" also includes a person related in any
19 of the foregoing ways to a sibling of a child, even though the
20 person is not related to the child, when the child and its
21 sibling are placed together with that person. For children who
22 have been in the guardianship of the Department, have been
23 adopted, and are subsequently returned to the temporary custody
24 or guardianship of the Department, a "relative" may also
25 include any person who would have qualified as a relative under
26 this paragraph prior to the adoption, but only if the

1 Department determines, and documents, that it would be in the
2 child's best interests to consider this person a relative,
3 based upon the factors for determining best interests set forth
4 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
5 of 1987. A relative with whom a child is placed pursuant to
6 this subsection may, but is not required to, apply for
7 licensure as a foster family home pursuant to the Child Care
8 Act of 1969; provided, however, that as of July 1, 1995, foster
9 care payments shall be made only to licensed foster family
10 homes pursuant to the terms of Section 5 of this Act.

11 (c) In placing a child under this Act, the Department shall
12 ensure that the child's health, safety, and best interests are
13 met. In rejecting placement of a child with an identified
14 relative, the Department shall ensure that the child's health,
15 safety, and best interests are met. In evaluating the best
16 interests of the child, the Department shall take into
17 consideration the factors set forth in subsection (4.05) of
18 Section 1-3 of the Juvenile Court Act of 1987.

19 The Department shall consider the individual needs of the
20 child and the capacity of the prospective foster or adoptive
21 parents to meet the needs of the child. When a child must be
22 placed outside his or her home and cannot be immediately
23 returned to his or her parents or guardian, a comprehensive,
24 individualized assessment shall be performed of that child at
25 which time the needs of the child shall be determined. Only if
26 race, color, or national origin is identified as a legitimate

1 factor in advancing the child's best interests shall it be
2 considered. Race, color, or national origin shall not be
3 routinely considered in making a placement decision. The
4 Department shall make special efforts for the diligent
5 recruitment of potential foster and adoptive families that
6 reflect the ethnic and racial diversity of the children for
7 whom foster and adoptive homes are needed. "Special efforts"
8 shall include contacting and working with community
9 organizations and religious organizations and may include
10 contracting with those organizations, utilizing local media
11 and other local resources, and conducting outreach activities.

12 (c-1) At the time of placement, the Department shall
13 consider concurrent planning, as described in subsection (1-1)
14 of Section 5, so that permanency may occur at the earliest
15 opportunity. Consideration should be given so that if
16 reunification fails or is delayed, the placement made is the
17 best available placement to provide permanency for the child.

18 (d) The Department may accept gifts, grants, offers of
19 services, and other contributions to use in making special
20 recruitment efforts.

21 (e) The Department in placing children in adoptive or
22 foster care homes may not, in any policy or practice relating
23 to the placement of children for adoption or foster care,
24 discriminate against any child or prospective adoptive or
25 foster parent on the basis of race.

26 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;

1 96-1551, Article 2, Section 920, eff. 7-1-11; revised 9-30-11.)

2 (20 ILCS 505/7.4)

3 Sec. 7.4. Development and preservation of sibling
4 relationships for children in care; placement of siblings;
5 contact among siblings placed apart. ~~Placement of siblings.~~

6 (a) Purpose and policy. The General Assembly recognizes
7 that sibling relationships are unique and essential for a
8 person, but even more so for children who are removed from the
9 care of their families and placed in the State child welfare
10 system. When family separation occurs through State
11 intervention, every effort must be made to preserve, support
12 and nurture sibling relationships when doing so is in the best
13 interest of each sibling. It is in the interests of foster
14 children who are part of a sibling group to enjoy contact with
15 one another, as long as the contact is in each child's best
16 interest. This is true both while the siblings are in State
17 care and after one or all of the siblings leave State care
18 through adoption, guardianship, or aging out. ~~When a child is~~
19 ~~in need of an adoptive placement, the Department shall examine~~
20 ~~its files and other available resources and attempt to~~
21 ~~determine whether any biological sibling of the child has been~~
22 ~~adopted. If the Department determines that a biological sibling~~
23 ~~of the child has been adopted, the Department shall make a good~~
24 ~~faith effort to locate the adoptive parents of the sibling and~~
25 ~~inform them of the availability of the child for adoption.~~

1 **(b) Definitions. For purposes of this Section:**

2 **(1) Whenever a best interest determination is required**
3 **by this Section, the Department shall consider the factors**
4 **set out in subsection 4.05 of Section 1-3 or the Juvenile**
5 **Court Act of 1987 and the Department's rules regarding**
6 **Sibling Placement, 89 111. Admin. Code 301.70 and Sibling**
7 **Visitation, 89 111. Admin. Code 301.220, and the**
8 **Department's rules regarding Placement Selection Criteria.**
9 **89 111. Admin. Code 301.60.**

10 **(2) "Adopted child" means a child who, immediately**
11 **preceding the adoption, was in the custody or guardianship**
12 **of the Illinois Department of Children and Family Services**
13 **under Article II of the Juvenile Court Act of 1987.**

14 **(3) "Adoptive parent" means a person who has become a**
15 **parent through the legal process of adoption.**

16 **(4) "Child" means a person in the temporary custody or**
17 **guardianship of the Department who is under the age of 21.**

18 **(5) "Child placed in private guardianship" means a**
19 **child who, immediately preceding the guardianship, was in**
20 **the custody or guardianship of the Illinois Department of**
21 **Children and Family Services under Article II of the**
22 **Juvenile Court Act.**

23 **(6) "Contact" may include, but is not limited to**
24 **visits, telephone calls, letters, sharing of photographs**
25 **or information. e-mails, video conferencing, and other**
26 **form of communication or contact.**

1 (7) "Legal Guardian" means a person who has become the
2 legal guardian of a child who, immediately prior to the
3 guardianship, was in the custody or guardianship of the
4 Illinois Department of Children and Family Services under
5 Article II of the Juvenile Court Act of 1987.

6 (8) "Parent" means the child's mother or father who is
7 named as the respondent in proceedings conducted under
8 Article II of the Juvenile Court Act of 1987.

9 (9) "Post Permanency Sibling Contact" means contact
10 between siblings following the entry of a Judgment Order
11 for Adoption under Section 14 of the Adoption Act regarding
12 at least one sibling or an Order for Guardianship
13 appointing a private guardian under Section 2-27 or the
14 Juvenile Court Act of 1987, regarding at least one sibling.
15 Post Permanency Sibling Contact may include, but is not
16 limited to, visits, telephone calls, letters, sharing of
17 photographs or information, emails, video conferencing,
18 and other form of communication or connection agreed to by
19 the parties to a Post Permanency Sibling Contact Agreement.

20 (10) "Post Permanency Sibling Contact Agreement" means
21 a written agreement between the adoptive parent or parents,
22 the child, and the child's sibling regarding post
23 permanency contact between the adopted child and the
24 child's sibling, or a written agreement between the legal
25 guardians, the child, and the child's sibling regarding
26 post permanency contact between the child placed in

1 guardianship and the child's sibling. The Post Permanency
2 Sibling Contact Agreement may specify the nature and
3 frequency of contact between the adopted child or child
4 placed in guardianship and the child's sibling following
5 the entry of the Judgment Order for Adoption or Order for
6 Private Guardianship. The Post Permanency Sibling Contact
7 Agreement may be supported by services as specified in this
8 Section. The Post Permanency Sibling Contact Agreement is
9 voluntary on the part of the parties to the Post Permanency
10 Sibling Contact Agreement and is not a requirement for
11 finalization of the child's adoption or guardianship. When
12 entered into, the Post Permanency Sibling Contact
13 Agreement shall be placed in the child's Post Adoption or
14 Guardianship case record and in the case file of a sibling
15 who is a party to the agreement and who remains in the
16 Department's custody or guardianship.

17 (11) "Sibling Contact Support Plan" means a written
18 document that sets forth the plan for future contact
19 between siblings who are in the Department's care and
20 custody and residing separately. The goal of the Support
21 Plan is to develop or preserve and nurture the siblings'
22 relationships. The Support Plan shall set forth the role of
23 the foster parents, caregivers, and others in implementing
24 the Support Plan. The Support Plan must meet the minimum
25 standards regarding frequency of in-person visits provided
26 for in Department rule.

1 (12) "Siblings" means children who share at least one
2 parent in common. This definition of siblings applies
3 solely for purposes of placement and contact under this
4 Section. For purposes of this Section, children who share
5 at least one parent in common continue to be siblings after
6 their parent's parental rights are terminated, if parental
7 rights were terminated while a petition under Article II of
8 the Juvenile Court Act of 1987 was pending. For purposes of
9 this Section, children who share at least one parent in
10 common continue to be siblings after a sibling is adopted
11 or placed in private guardianship when the adopted child or
12 child placed in private guardianship was in the
13 Department's custody or guardianship under Article II of
14 the Juvenile Court Act of 1987 immediately prior to the
15 adoption or private guardianship. For children who have
16 been in the guardianship of the Department under Article II
17 of the Juvenile Court Act of 1987, have been adopted, and
18 are subsequently returned to the temporary custody or
19 guardianship of the Department under Article II of the
20 Juvenile Court Act of 1987, "siblings" includes a person
21 who would have been considered a sibling prior to the
22 adoption and siblings through adoption.

23 (c) No later than January 1, 2013, the Department shall
24 promulgate rules addressing the development and preservation
25 of sibling relationships. The rules shall address, at a
26 minimum:

1 (1) Recruitment, licensing, and support of foster
2 parents willing and capable of either fostering sibling
3 groups or supporting and being actively involved in
4 planning and executing sibling contact for siblings placed
5 apart. The rules shall address training for foster parents,
6 licensing workers, placement workers, and others as deemed
7 necessary.

8 (2) Placement selection for children who are separated
9 from their siblings and how to best promote placements of
10 children with foster parents or programs that can meet the
11 childrens' needs, including the need to develop and
12 maintain contact with siblings.

13 (3) State-supported guidance to siblings who have aged
14 out of state care regarding positive engagement with
15 siblings.

16 (4) Implementation of Post Permanency Sibling Contact
17 Agreements for children exiting State care, including
18 services offered by the Department to encourage and assist
19 parties in developing agreements, services offered by the
20 Department post-permanency to support parties in
21 implementing and maintaining agreements, and including
22 services offered by the Department post-permanency to
23 assist parties in amending agreements as necessary to meet
24 the needs of the children.

25 (5) Services offered by the Department for children who
26 exited foster care prior to the availability of

1 Post-Permanency Sibling Contact Agreements, to invite
2 willing parties to participate in a facilitated
3 discussion, including, but not limited to, a mediation or
4 joint team decision-making meeting, to explore sibling
5 contact.

6 ~~If the adoptive parents of a biological sibling of a~~
7 ~~child available for adoption apply to adopt that child, the~~
8 ~~Department shall consider them as adoptive applicants for~~
9 ~~the adoption of the child. The Department's final decision,~~
10 ~~however, shall be based upon the welfare and best interest~~
11 ~~of the child. In arriving at its decision, the Department~~
12 ~~shall consider all relevant factors, including but not~~
13 ~~limited to:~~

14 (d) The Department shall develop a form to be provided to
15 youth entering care and exiting care explaining their rights
16 and responsibilities related to sibling visitation while in
17 care and post permanency.

18 (e) Whenever a child enters care or requires a new
19 placement, the Department shall consider the development and
20 preservation of sibling relationships.

21 (1) This subsection applies when a child entering care
22 or requiring a change of placement has siblings who are in
23 the custody or guardianship of the Department. When a child
24 enters care or requires a new placement, the Department
25 shall examine its files and other available resources and
26 determine whether a sibling of that child is in the custody

1 or guardianship of the Department. If the Department
2 determines that a sibling is in its custody or
3 guardianship, the Department shall then determine whether
4 it is in the best interests of each of the siblings for the
5 child needing placement to be placed with the sibling. If
6 the Department determines that it is in the best interest
7 of each sibling to be placed together, and the sibling's
8 foster parent is able and willing to care for the child
9 needing placement, the Department shall place the child
10 needing placement with the sibling. A determination that it
11 is not in a child's best interest to be placed with a
12 sibling shall be made in accordance with Department rules,
13 and documented in the file of each sibling.

14 (2) This subsection applies when a child who is
15 entering care has siblings who have been adopted or placed
16 in private guardianship. When a child enters care, the
17 Department shall examine its files and other available
18 resources, including consulting with the child's parents,
19 to determine whether a sibling of the child was adopted or
20 placed in private guardianship from State care. The
21 Department shall determine, in consultation with the
22 child's parents, whether it would be in the child's best
23 interests to explore placement with the adopted sibling or
24 sibling in guardianship. Unless the parent objects, if the
25 Department determines it is in the child's best interest to
26 explore the placement, the Department shall contact the

1 adoptive parent or guardian of the sibling, determine
2 whether they are willing to be considered as placement
3 resources for the child, and, if so, determine whether it
4 is in the best interests of child to be placed in the home
5 with the sibling. If the Department determines that it is
6 in the child's best interests to be placed in the home with
7 the sibling, and the sibling's adoptive parents or
8 guardians are willing and capable, the Department shall
9 make the placement. A determination that it is not in a
10 child's best interest to be placed with a sibling shall be
11 made in accordance with Department rule, and documented in
12 the child's file.

13 (3) This subsection applies when a child in Department
14 custody or guardianship requires a change of placement, and
15 the child has siblings who have been adopted or placed in
16 private guardianship. When a child in care requires a new
17 placement, the Department may consider placing the child
18 with the adoptive parent or guardian of a sibling under the
19 same procedures and standards set forth in paragraph (2) of
20 this subsection.

21 (4) When the Department determines it is not in the
22 best interest of one or more siblings to be placed together
23 the Department shall ensure that the child requiring
24 placement is placed in a home or program where the
25 caregiver is willing and able to be actively involved in
26 supporting the sibling relationship to the extent doing so

1 is in the child's best interest.

2 (f) When siblings in care are placed in separate
3 placements, the Department shall develop a Sibling Contact
4 Support Plan. The Department shall convene a meeting to develop
5 the Support Plan. The meeting shall include, at a minimum, the
6 case managers for the siblings, the foster parents or other
7 care providers if a child is in a non-foster home placement and
8 the child, when developmentally and clinically appropriate.
9 The Department shall make all reasonable efforts to promote the
10 participation of the foster parents. Parents whose parental
11 rights are intact shall be invited to the meeting. Others, such
12 as therapists and mentors, shall be invited as appropriate. The
13 Support Plan shall set forth future contact and visits between
14 the siblings to develop or preserve, and nurture the siblings'
15 relationships. The Support Plan shall set forth the role of the
16 foster parents and caregivers and others in implementing the
17 Support Plan. The Support Plan must meet the minimum standards
18 regarding frequency of in-person visits provided for in
19 Department rule. The Support Plan will be incorporated in the
20 child's service plan and reviewed at each administrative case
21 review. The Support Plan should be modified if one of the
22 children moves to a new placement, or as necessary to meet the
23 needs of the children. The Sibling Contact Support Plan for a
24 child in care may include siblings who are not in the care of
25 the Department, with the consent and participation of that
26 child's parent or guardian.

1 (g) By January 1, 2013, the Department shall develop a
2 registry so that placement information regarding adopted
3 siblings and siblings in private guardianship is readily
4 available to Department and private agency caseworkers
5 responsible for placing children in the Department's care. When
6 a child is adopted or placed in private guardianship from
7 foster care the Department shall inform the adoptive parents or
8 guardians that they may be contacted in the future regarding
9 placement of or contact with, siblings subsequently requiring
10 placement.

11 (h) When a child is in need of an adoptive placement, the
12 Department shall examine its files and other available
13 resources and attempt to determine whether a sibling of the
14 child has been adopted or placed in private guardianship after
15 being in the Department's custody or guardianship. If the
16 Department determines that a sibling of the child has been
17 adopted or placed in private guardianship, the Department shall
18 make a good faith effort to locate the adoptive parents or
19 guardians of the sibling and inform them of the availability of
20 the child for adoption. The Department may determine not to
21 inform the adoptive parents or guardian of a sibling of a child
22 that the child is available for adoption only for a reason
23 permitted under criteria adopted by the Department by rule, and
24 documented in the child's case file. If a child available for
25 adoption has a sibling who has been adopted or placed in
26 guardianship, and the adoptive parents or guardians of that

1 sibling apply to adopt the child, the Department shall consider
2 them as adoptive applicants for the adoption of the child. The
3 Department's final decision as to whether it will consent to
4 the adoptive parents or guardians of a sibling being the
5 adoptive parents of the child shall be based upon the welfare
6 and best interest of the child. In arriving at its decision,
7 the Department shall consider all relevant factors, including
8 but not limited to:

9 (1) the wishes of the child;

10 (2) the interaction and interrelationship of the child
11 with the applicant to adopt the child;

12 (3) the child's need for stability and continuity of
13 relationship with parent figures;

14 (4) the child's adjustment to his or her present home,
15 school, and community;

16 (5) the mental and physical health of all individuals
17 involved;

18 (6) the family ties between the child and the child's
19 relatives, including siblings;

20 (7) the background, age, and living arrangements of the
21 applicant to adopt the child;

22 (8) a criminal background report of the applicant to
23 adopt the child.

24 If placement of the child available for adoption with the
25 adopted sibling or sibling in private guardianship is not
26 feasible, but it is in the child's best interest to develop a

1 relationship with his or her sibling, the Department shall
2 invite the adoptive parents, guardian, or guardians for a
3 mediation or joint team decision-making meeting to facilitate a
4 discussion regarding future sibling contact.

5 (i) Post Permanency Sibling Contact Agreement. When a child
6 in the Department's care has a permanency goal of adoption or
7 private guardianship, and the Department is preparing to
8 finalize the adoption or guardianship, the Department shall
9 convene a meeting with the pre-adoptive parent or prospective
10 guardian and the case manager for the child being adopted or
11 placed in guardianship and the foster parents and case managers
12 for the child's siblings, and others as applicable. The
13 children should participate as is developmentally appropriate.
14 Others, such as therapists and mentors, may participate as
15 appropriate. At the meeting the Department shall encourage the
16 parties to discuss sibling contact post permanency. The
17 Department may assist the parties in drafting a post permanency
18 sibling contact agreement.

19 (1) Parties to the Agreement for Post Permanency
20 Sibling Contact Agreement shall include:

21 (A) The adoptive parent or parents or guardian.

22 (B) The child's sibling or siblings, parents or
23 guardians.

24 (C) The child.

25 (2) Consent of child 14 and over. The written consent
26 of a child age 14 and over to the terms and conditions of

1 the Post Permanency Sibling Contact Agreement and
2 subsequent modifications is required.

3 (3) In developing this Agreement, the Department shall
4 encourage the parties to consider the following factors:

5 (A) the physical and emotional safety and welfare
6 of the child;

7 (B) the child's wishes;

8 (C) the interaction and interrelationship of the
9 child with the child's sibling or siblings who would be
10 visiting or communicating with the child, including:

11 (i) the quality of the relationship between
12 the child and the sibling or siblings, and

13 (ii) the benefits and potential harms to the
14 child in allowing the relationship or
15 relationships to continue or in ending them;

16 (D) the child's sense of attachments to the birth
17 sibling or siblings and adoptive family, including:

18 (i) the child's sense of being valued;

19 (ii) the child's sense of familiarity; and

20 (iii) continuity of affection for the child;

21 and

22 (E) other factors relevant to the best interest of
23 the child.

24 (4) In considering the factors in paragraph (3) of this
25 subsection, the Department shall encourage the parties to
26 recognize the importance to a child of developing a

1 relationship with siblings including siblings with whom
2 the child does not yet have a relationship; and the value
3 of preserving family ties between the child and the child's
4 siblings, including:

5 (A) the child's need for stability and continuity
6 of relationships with siblings, and

7 (B) the importance of sibling contact in the
8 development of the child's identity.

9 (5) Modification or termination of Post Permanency
10 Sibling Contact Agreement. The parties to the agreement may
11 modify or terminate the Post Permanency Sibling Contact
12 Agreement. If the parties cannot agree to modification or
13 termination, they may request the assistance of the
14 Department of Children and Family Services or another
15 agency identified and agreed upon by the parties to the
16 Post Permanency Sibling Contact Agreement. Any and all
17 terms may be modified by agreement of the parties. Post
18 Permanency Sibling Contact Agreements may also be modified
19 to include contact with siblings whose whereabouts were
20 unknown or who had not yet been born when the Judgment
21 Order for Adoption or Order for Private Guardianship was
22 entered.

23 (6) Adoptions and private guardianships finalized
24 prior to the effective date of amendatory Act. Nothing in
25 this Section prohibits the parties from entering into a
26 Post Permanency Sibling Contact Agreement if the adoption

1 or private guardianship was finalized prior to the
2 effective date of this Section. If the Agreement is
3 completed and signed by the parties, the Department shall
4 include the Post Permanency Sibling Contact Agreement in
5 the child's Post Adoption or Private Guardianship case
6 record and in the case file of siblings who are parties to
7 the agreement who are in the Department's custody or
8 guardianship.

9 ~~(1) the wishes of the child;~~

10 ~~(2) the interaction and interrelationship of the child~~
11 ~~with the applicant to adopt the child;~~

12 ~~(3) the child's need for stability and continuity of~~
13 ~~relationship with parent figures;~~

14 ~~(4) the child's adjustment to his or her present home,~~
15 ~~school, and community;~~

16 ~~(5) the mental and physical health of all individuals~~
17 ~~involved;~~

18 ~~(6) the family ties between the child and the child's~~
19 ~~relatives, including siblings;~~

20 ~~(7) the background, age, and living arrangements of the~~
21 ~~applicant to adopt the child;~~

22 ~~(8) a criminal background report of the applicant to~~
23 ~~adopt the child.~~

24 ~~(e) The Department may refuse to inform the adoptive~~
25 ~~parents of a biological sibling of a child that the child is~~
26 ~~available for adoption, as required under subsection (a), only~~

1 ~~for a reason permitted under criteria adopted by the Department~~
2 ~~by rule.~~

3 (Source: P.A. 92-666, eff. 7-16-02.)

4 Section 10. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3, 2-10, 2-23, and 2-28 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the
8 context otherwise requires, have the following meanings
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine
11 whether the allegations of a petition under Section 2-13, 3-15
12 or 4-12 that a minor under 18 years of age is abused, neglected
13 or dependent, or requires authoritative intervention, or
14 addicted, respectively, are supported by a preponderance of the
15 evidence or whether the allegations of a petition under Section
16 5-520 that a minor is delinquent are proved beyond a reasonable
17 doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care facility
20 legally authorized or licensed by this State for placement or
21 institutional care or for both placement and institutional
22 care.

23 (4) "Association" means any organization, public or
24 private, engaged in welfare functions which include services to

1 or on behalf of children but does not include "agency" as
2 herein defined.

3 (4.05) Whenever a "best interest" determination is
4 required, the following factors shall be considered in the
5 context of the child's age and developmental needs:

6 (a) the physical safety and welfare of the child,
7 including food, shelter, health, and clothing;

8 (b) the development of the child's identity;

9 (c) the child's background and ties, including
10 familial, cultural, and religious;

11 (d) the child's sense of attachments, including:

12 (i) where the child actually feels love,
13 attachment, and a sense of being valued (as opposed to
14 where adults believe the child should feel such love,
15 attachment, and a sense of being valued);

16 (ii) the child's sense of security;

17 (iii) the child's sense of familiarity;

18 (iv) continuity of affection for the child;

19 (v) the least disruptive placement alternative for
20 the child;

21 (e) the child's wishes and long-term goals;

22 (f) the child's community ties, including church,
23 school, and friends;

24 (g) the child's need for permanence which includes the
25 child's need for stability and continuity of relationships
26 with parent figures and with siblings and other relatives;

1 (h) the uniqueness of every family and child;

2 (i) the risks attendant to entering and being in
3 substitute care; and

4 (j) the preferences of the persons available to care
5 for the child.

6 (4.1) "Chronic truant" shall have the definition ascribed
7 to it in Section 26-2a of the School Code.

8 (5) "Court" means the circuit court in a session or
9 division assigned to hear proceedings under this Act.

10 (6) "Dispositional hearing" means a hearing to determine
11 whether a minor should be adjudged to be a ward of the court,
12 and to determine what order of disposition should be made in
13 respect to a minor adjudged to be a ward of the court.

14 (7) "Emancipated minor" means any minor 16 years of age or
15 over who has been completely or partially emancipated under the
16 Emancipation of Minors Act or under this Act.

17 (8) "Guardianship of the person" of a minor means the duty
18 and authority to act in the best interests of the minor,
19 subject to residual parental rights and responsibilities, to
20 make important decisions in matters having a permanent effect
21 on the life and development of the minor and to be concerned
22 with his or her general welfare. It includes but is not
23 necessarily limited to:

24 (a) the authority to consent to marriage, to enlistment
25 in the armed forces of the United States, or to a major
26 medical, psychiatric, and surgical treatment; to represent

1 the minor in legal actions; and to make other decisions of
2 substantial legal significance concerning the minor;

3 (b) the authority and duty of reasonable visitation,
4 except to the extent that these have been limited in the
5 best interests of the minor by court order;

6 (c) the rights and responsibilities of legal custody
7 except where legal custody has been vested in another
8 person or agency; and

9 (d) the power to consent to the adoption of the minor,
10 but only if expressly conferred on the guardian in
11 accordance with Section 2-29, 3-30, or 4-27.

12 (9) "Legal custody" means the relationship created by an
13 order of court in the best interests of the minor which imposes
14 on the custodian the responsibility of physical possession of a
15 minor and the duty to protect, train and discipline him and to
16 provide him with food, shelter, education and ordinary medical
17 care, except as these are limited by residual parental rights
18 and responsibilities and the rights and responsibilities of the
19 guardian of the person, if any.

20 (9.1) "Mentally capable adult relative" means a person 21
21 years of age or older who is not suffering from a mental
22 illness that prevents him or her from providing the care
23 necessary to safeguard the physical safety and welfare of a
24 minor who is left in that person's care by the parent or
25 parents or other person responsible for the minor's welfare.

26 (10) "Minor" means a person under the age of 21 years

1 subject to this Act.

2 (11) "Parent" means the father or mother of a child and
3 includes any adoptive parent. It also includes a man (i) whose
4 paternity is presumed or has been established under the law of
5 this or another jurisdiction or (ii) who has registered with
6 the Putative Father Registry in accordance with Section 12.1 of
7 the Adoption Act and whose paternity has not been ruled out
8 under the law of this or another jurisdiction. It does not
9 include a parent whose rights in respect to the minor have been
10 terminated in any manner provided by law. It does not include a
11 person who has been or could be determined to be a parent under
12 the Illinois Parentage Act of 1984, or similar parentage law in
13 any other state, if that person has been convicted of or pled
14 nolo contendere to a crime that resulted in the conception of
15 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,
16 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not
17 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),
18 (b), (c), (e), or (f) (but not subsection (d)) of Section
19 11-1.60 or 12-16 of the Criminal Code of 1961 or similar
20 statute in another jurisdiction unless upon motion of any
21 party, other than the offender, to the juvenile court
22 proceedings the court finds it is in the child's best interest
23 to deem the offender a parent for purposes of the juvenile
24 court proceedings.

25 (11.1) "Permanency goal" means a goal set by the court as
26 defined in subdivision (2) of Section 2-28.

1 (11.2) "Permanency hearing" means a hearing to set the
2 permanency goal and to review and determine (i) the
3 appropriateness of the services contained in the plan and
4 whether those services have been provided, (ii) whether
5 reasonable efforts have been made by all the parties to the
6 service plan to achieve the goal, and (iii) whether the plan
7 and goal have been achieved.

8 (12) "Petition" means the petition provided for in Section
9 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
10 thereunder in Section 3-15, 4-12 or 5-520.

11 (12.1) "Physically capable adult relative" means a person
12 21 years of age or older who does not have a severe physical
13 disability or medical condition, or is not suffering from
14 alcoholism or drug addiction, that prevents him or her from
15 providing the care necessary to safeguard the physical safety
16 and welfare of a minor who is left in that person's care by the
17 parent or parents or other person responsible for the minor's
18 welfare.

19 (12.2) "Post Permanency Sibling Contact Agreement" has the
20 meaning ascribed to the term in Section 7.4 of the Children and
21 Family Services Act.

22 (13) "Residual parental rights and responsibilities" means
23 those rights and responsibilities remaining with the parent
24 after the transfer of legal custody or guardianship of the
25 person, including, but not necessarily limited to, the right to
26 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of
2 this Section), the right to consent to adoption, the right to
3 determine the minor's religious affiliation, and the
4 responsibility for his support.

5 (14) "Shelter" means the temporary care of a minor in
6 physically unrestricting facilities pending court disposition
7 or execution of court order for placement.

8 (14.1) "Sibling Contact Support Plan" has the meaning
9 ascribed to the term in Section 7.4 of the Children and Family
10 Services Act.

11 (15) "Station adjustment" means the informal handling of an
12 alleged offender by a juvenile police officer.

13 (16) "Ward of the court" means a minor who is so adjudged
14 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
15 requisite jurisdictional facts, and thus is subject to the
16 dispositional powers of the court under this Act.

17 (17) "Juvenile police officer" means a sworn police officer
18 who has completed a Basic Recruit Training Course, has been
19 assigned to the position of juvenile police officer by his or
20 her chief law enforcement officer and has completed the
21 necessary juvenile officers training as prescribed by the
22 Illinois Law Enforcement Training Standards Board, or in the
23 case of a State police officer, juvenile officer training
24 approved by the Director of the Department of State Police.

25 (18) "Secure child care facility" means any child care
26 facility licensed by the Department of Children and Family

1 Services to provide secure living arrangements for children
2 under 18 years of age who are subject to placement in
3 facilities under the Children and Family Services Act and who
4 are not subject to placement in facilities for whom standards
5 are established by the Department of Corrections under Section
6 3-15-2 of the Unified Code of Corrections. "Secure child care
7 facility" also means a facility that is designed and operated
8 to ensure that all entrances and exits from the facility, a
9 building, or a distinct part of the building are under the
10 exclusive control of the staff of the facility, whether or not
11 the child has the freedom of movement within the perimeter of
12 the facility, building, or distinct part of the building.

13 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11.)

14 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

15 Sec. 2-10. Temporary custody hearing. At the appearance of
16 the minor before the court at the temporary custody hearing,
17 all witnesses present shall be examined before the court in
18 relation to any matter connected with the allegations made in
19 the petition.

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

23 (2) If the court finds that there is probable cause to
24 believe that the minor is abused, neglected or dependent, the
25 court shall state in writing the factual basis supporting its

1 finding and the minor, his or her parent, guardian, custodian
2 and other persons able to give relevant testimony shall be
3 examined before the court. The Department of Children and
4 Family Services shall give testimony concerning indicated
5 reports of abuse and neglect, of which they are aware of
6 through the central registry, involving the minor's parent,
7 guardian or custodian. After such testimony, the court may,
8 consistent with the health, safety and best interests of the
9 minor, enter an order that the minor shall be released upon the
10 request of parent, guardian or custodian if the parent,
11 guardian or custodian appears to take custody. If it is
12 determined that a parent's, guardian's, or custodian's
13 compliance with critical services mitigates the necessity for
14 removal of the minor from his or her home, the court may enter
15 an Order of Protection setting forth reasonable conditions of
16 behavior that a parent, guardian, or custodian must observe for
17 a specified period of time, not to exceed 12 months, without a
18 violation; provided, however, that the 12-month period shall
19 begin anew after any violation. Custodian shall include any
20 agency of the State which has been given custody or wardship of
21 the child. If it is consistent with the health, safety and best
22 interests of the minor, the court may also prescribe shelter
23 care and order that the minor be kept in a suitable place
24 designated by the court or in a shelter care facility
25 designated by the Department of Children and Family Services or
26 a licensed child welfare agency; however, a minor charged with

1 a criminal offense under the Criminal Code of 1961 or
2 adjudicated delinquent shall not be placed in the custody of or
3 committed to the Department of Children and Family Services by
4 any court, except a minor less than 15 years of age and
5 committed to the Department of Children and Family Services
6 under Section 5-710 of this Act or a minor for whom an
7 independent basis of abuse, neglect, or dependency exists. An
8 independent basis exists when the allegations or adjudication
9 of abuse, neglect, or dependency do not arise from the same
10 facts, incident, or circumstances which give rise to a charge
11 or adjudication of delinquency.

12 In placing the minor, the Department or other agency shall,
13 to the extent compatible with the court's order, comply with
14 Section 7 of the Children and Family Services Act. In
15 determining the health, safety and best interests of the minor
16 to prescribe shelter care, the court must find that it is a
17 matter of immediate and urgent necessity for the safety and
18 protection of the minor or of the person or property of another
19 that the minor be placed in a shelter care facility or that he
20 or she is likely to flee the jurisdiction of the court, and
21 must further find that reasonable efforts have been made or
22 that, consistent with the health, safety and best interests of
23 the minor, no efforts reasonably can be made to prevent or
24 eliminate the necessity of removal of the minor from his or her
25 home. The court shall require documentation from the Department
26 of Children and Family Services as to the reasonable efforts

1 that were made to prevent or eliminate the necessity of removal
2 of the minor from his or her home or the reasons why no efforts
3 reasonably could be made to prevent or eliminate the necessity
4 of removal. When a minor is placed in the home of a relative,
5 the Department of Children and Family Services shall complete a
6 preliminary background review of the members of the minor's
7 custodian's household in accordance with Section 4.3 of the
8 Child Care Act of 1969 within 90 days of that placement. If the
9 minor is ordered placed in a shelter care facility of the
10 Department of Children and Family Services or a licensed child
11 welfare agency, the court shall, upon request of the
12 appropriate Department or other agency, appoint the Department
13 of Children and Family Services Guardianship Administrator or
14 other appropriate agency executive temporary custodian of the
15 minor and the court may enter such other orders related to the
16 temporary custody as it deems fit and proper, including the
17 provision of services to the minor or his family to ameliorate
18 the causes contributing to the finding of probable cause or to
19 the finding of the existence of immediate and urgent necessity.

20 Where the Department of Children and Family Services
21 Guardianship Administrator is appointed as the executive
22 temporary custodian, the Department of Children and Family
23 Services shall file with the court and serve on the parties a
24 parent-child visiting plan, within 10 days, excluding weekends
25 and holidays, after the appointment. The parent-child visiting
26 plan shall set out the time and place of visits, the frequency

1 of visits, the length of visits, who shall be present at the
2 visits, and where appropriate, the minor's opportunities to
3 have telephone and mail communication with the parents.

4 Where the Department of Children and Family Services
5 Guardianship Administrator is appointed as the executive
6 temporary custodian, and when the child has siblings in care,
7 the Department of Children and Family Services shall file with
8 the court and serve on the parties a sibling placement and
9 contact plan within 10 days, excluding weekends and holidays,
10 after the appointment. The sibling placement and contact plan
11 shall set forth whether the siblings are placed together and if
12 they are not placed together, what if any efforts are being
13 made to place them together. If the Department has determined
14 that it is not in a child's best interest to be placed with a
15 sibling, the Department shall document in the sibling placement
16 and contact plan the basis for its determination. For siblings
17 placed separately, the sibling placement and contact plan shall
18 set the time and place for visits, the frequency of the visits,
19 the length of visits, who shall be present for the visits, and
20 where appropriate, the child's opportunities to have contact
21 with their siblings in addition to in person contact. If the
22 Department determines it is not in the best interest of a
23 sibling to have contact with a sibling, the Department shall
24 document in the sibling placement and contact plan the basis
25 for its determination. The sibling placement and contact plan
26 shall specify a date for development of the Sibling Contact

1 Support Plan, under subsection (f) of Section 7.4 of the
2 Children and Family Services Act, and shall remain in effect
3 until the Sibling Contact Support Plan is developed.

4 For good cause, the court may waive the requirement to
5 file the parent-child visiting plan or the sibling placement
6 and contact plan, or extend the time for filing either the
7 ~~parent-child visiting~~ plan. Any party may, by motion, request
8 the court to review the parent-child visiting plan to determine
9 whether it is reasonably calculated to expeditiously
10 facilitate the achievement of the permanency goal. A party may,
11 by motion, request the court to review the parent-child
12 visiting plan or the sibling placement and contact plan to
13 determine whether it is ~~and is~~ consistent with the minor's best
14 interest. The court may refer the parties to mediation where
15 available. The frequency, duration, and locations of
16 visitation shall be measured by the needs of the child and
17 family, and not by the convenience of Department personnel.
18 Child development principles shall be considered by the court
19 in its analysis of how frequent visitation should be, how long
20 it should last, where it should take place, and who should be
21 present. If upon motion of the party to review either the ~~the~~ plan
22 and after receiving evidence, the court determines that the
23 parent-child visiting plan is not reasonably calculated to
24 expeditiously facilitate the achievement of the permanency
25 goal or that the restrictions placed on parent-child contact or
26 sibling placement or contact are contrary to the child's best

1 interests, the court shall put in writing the factual basis
2 supporting the determination and enter specific findings based
3 on the evidence. The court shall enter an order for the
4 Department to implement changes to the parent-child visiting
5 plan or sibling placement or contact plan, consistent with the
6 court's findings. At any stage of proceeding, any party may by
7 motion request the court to enter any orders necessary to
8 implement the parent-child visiting plan, sibling placement or
9 contact plan or subsequently developed Sibling Contact Support
10 Plan. Nothing under this subsection (2) shall restrict the
11 court from granting discretionary authority to the Department
12 to increase opportunities for additional parent-child contacts
13 or sibling contacts, without further court orders. Nothing in
14 this subsection (2) shall restrict the Department from
15 immediately restricting or terminating parent-child contact or
16 sibling contacts, without either amending the parent-child
17 visiting plan or the sibling contact plan or obtaining a court
18 order, where the Department or its assigns reasonably believe
19 that continuation of the parent-child contact, as set out in
20 the ~~parent-child visiting~~ plan, would be contrary to the
21 child's health, safety, and welfare. The Department shall file
22 with the court and serve on the parties any amendments to the
23 ~~visitation~~ plan within 10 days, excluding weekends and
24 holidays, of the change of the visitation. ~~Any party may, by~~
25 ~~motion, request the court to review the parent-child visiting~~
26 ~~plan to determine whether the parent child visiting plan is~~

1 ~~reasonably calculated to expeditiously facilitate the~~
2 ~~achievement of the permanency goal, and is consistent with the~~
3 ~~minor's health, safety, and best interest.~~

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

25 Once the court finds that it is a matter of immediate and
26 urgent necessity for the protection of the minor that the minor

1 be placed in a shelter care facility, the minor shall not be
2 returned to the parent, custodian or guardian until the court
3 finds that such placement is no longer necessary for the
4 protection of the minor.

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

13 (3) If prior to the shelter care hearing for a minor
14 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
15 unable to serve notice on the party respondent, the shelter
16 care hearing may proceed ex-parte. A shelter care order from an
17 ex-parte hearing shall be endorsed with the date and hour of
18 issuance and shall be filed with the clerk's office and entered
19 of record. The order shall expire after 10 days from the time
20 it is issued unless before its expiration it is renewed, at a
21 hearing upon appearance of the party respondent, or upon an
22 affidavit of the moving party as to all diligent efforts to
23 notify the party respondent by notice as herein prescribed. The
24 notice prescribed shall be in writing and shall be personally
25 delivered to the minor or the minor's attorney and to the last
26 known address of the other person or persons entitled to

1 notice. The notice shall also state the nature of the
 2 allegations, the nature of the order sought by the State,
 3 including whether temporary custody is sought, and the
 4 consequences of failure to appear and shall contain a notice
 5 that the parties will not be entitled to further written
 6 notices or publication notices of proceedings in this case,
 7 including the filing of an amended petition or a motion to
 8 terminate parental rights, except as required by Supreme Court
 9 Rule 11; and shall explain the right of the parties and the
 10 procedures to vacate or modify a shelter care order as provided
 11 in this Section. The notice for a shelter care hearing shall be
 12 substantially as follows:

13 NOTICE TO PARENTS AND CHILDREN
 14 OF SHELTER CARE HEARING

15 On at, before the Honorable
 16, (address:), the State
 17 of Illinois will present evidence (1) that (name of child
 18 or children) are abused, neglected
 19 or dependent for the following reasons:

20 and (2)
 21 whether there is "immediate and urgent necessity" to remove
 22 the child or children from the responsible relative.

23 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 24 PLACEMENT of the child or children in foster care until a
 25 trial can be held. A trial may not be held for up to 90
 26 days. You will not be entitled to further notices of

1 proceedings in this case, including the filing of an
2 amended petition or a motion to terminate parental rights.

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

5 1. To ask the court to appoint a lawyer if they
6 cannot afford one.

7 2. To ask the court to continue the hearing to
8 allow them time to prepare.

9 3. To present evidence concerning:

10 a. Whether or not the child or children were
11 abused, neglected or dependent.

12 b. Whether or not there is "immediate and
13 urgent necessity" to remove the child from home
14 (including: their ability to care for the child,
15 conditions in the home, alternative means of
16 protecting the child other than removal).

17 c. The best interests of the child.

18 4. To cross examine the State's witnesses.

19 The Notice for rehearings shall be substantially as
20 follows:

21 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

22 TO REHEARING ON TEMPORARY CUSTODY

23 If you were not present at and did not have adequate
24 notice of the Shelter Care Hearing at which temporary
25 custody of was awarded to

1 , you have the right to request a full
 2 rehearing on whether the State should have temporary
 3 custody of To request this rehearing,
 4 you must file with the Clerk of the Juvenile Court
 5 (address): , in person or by
 6 mailing a statement (affidavit) setting forth the
 7 following:

- 8 1. That you were not present at the shelter care
- 9 hearing.
- 10 2. That you did not get adequate notice (explaining
- 11 how the notice was inadequate).
- 12 3. Your signature.
- 13 4. Signature must be notarized.

14 The rehearing should be scheduled within 48 hours of
 15 your filing this affidavit.

16 At the rehearing, your rights are the same as at the
 17 initial shelter care hearing. The enclosed notice explains
 18 those rights.

19 At the Shelter Care Hearing, children have the
 20 following rights:

- 21 1. To have a guardian ad litem appointed.
- 22 2. To be declared competent as a witness and to
- 23 present testimony concerning:
- 24 a. Whether they are abused, neglected or
- 25 dependent.
- 26 b. Whether there is "immediate and urgent

1 necessity" to be removed from home.

2 c. Their best interests.

3 3. To cross examine witnesses for other parties.

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

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

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

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

25 (7) If the minor is not brought before a judicial officer
26 within the time period as specified in Section 2-9, the minor

1 must immediately be released from custody.

2 (8) If neither the parent, guardian or custodian appears
3 within 24 hours to take custody of a minor released upon
4 request pursuant to subsection (2) of this Section, then the
5 clerk of the court shall set the matter for rehearing not later
6 than 7 days after the original order and shall issue a summons
7 directed to the parent, guardian or custodian to appear. At the
8 same time the probation department shall prepare a report on
9 the minor. If a parent, guardian or custodian does not appear
10 at such rehearing, the judge may enter an order prescribing
11 that the minor be kept in a suitable place designated by the
12 Department of Children and Family Services or a licensed child
13 welfare agency.

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

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

25 (b) There is a material change in the circumstances of
26 the natural family from which the minor was removed and the

1 child can be cared for at home without endangering the
2 child's health or safety; or

3 (c) A person not a party to the alleged abuse, neglect
4 or dependency, including a parent, relative or legal
5 guardian, is capable of assuming temporary custody of the
6 minor; or

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

12 In ruling on the motion, the court shall determine whether
13 it is consistent with the health, safety and best interests of
14 the minor to modify or vacate a temporary custody order.

15 The clerk shall set the matter for hearing not later than
16 14 days after such motion is filed. In the event that the court
17 modifies or vacates a temporary custody order but does not
18 vacate its finding of probable cause, the court may order that
19 appropriate services be continued or initiated in behalf of the
20 minor and his or her family.

21 (10) When the court finds or has found that there is
22 probable cause to believe a minor is an abused minor as
23 described in subsection (2) of Section 2-3 and that there is an
24 immediate and urgent necessity for the abused minor to be
25 placed in shelter care, immediate and urgent necessity shall be
26 presumed for any other minor residing in the same household as

1 the abused minor provided:

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

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

6 Once the presumption of immediate and urgent necessity has
7 been raised, the burden of demonstrating the lack of immediate
8 and urgent necessity shall be on any party that is opposing
9 shelter care for the other minor.

10 (Source: P.A. 94-604, eff. 1-1-06; 95-405, eff. 6-1-08; 95-642,
11 eff. 6-1-08; 95-876, eff. 8-21-08.)

12 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

16 (a) A minor under 18 years of age found to be neglected
17 or abused under Section 2-3 or dependent under Section 2-4
18 may be (1) continued in the custody of his or her parents,
19 guardian or legal custodian; (2) placed in accordance with
20 Section 2-27; (3) restored to the custody of the parent,
21 parents, guardian, or legal custodian, provided the court
22 shall order the parent, parents, guardian, or legal
23 custodian to cooperate with the Department of Children and
24 Family Services and comply with the terms of an after-care
25 plan or risk the loss of custody of the child and the

1 possible termination of their parental rights; or (4)
2 ordered partially or completely emancipated in accordance
3 with the provisions of the Emancipation of Minors Act.

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

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

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

1 dependency, until such time as a hearing is held on the
2 issue of the fitness of such parent, guardian or legal
3 custodian to care for the minor without endangering the
4 minor's health or safety, and the court enters an order
5 that such parent, guardian or legal custodian is fit to
6 care for the minor.

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

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

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

1 Unless the order of disposition expressly so provides, it
2 does not operate to close proceedings on the pending petition,
3 but is subject to modification, not inconsistent with Section
4 2-28, until final closing and discharge of the proceedings
5 under Section 2-31.

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

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

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

23 (5) Any order for disposition where the minor is committed
24 or placed in accordance with Section 2-27 shall provide for the
25 parents or guardian of the estate of such minor to pay to the
26 legal custodian or guardian of the person of the minor such

1 sums as are determined by the custodian or guardian of the
2 person of the minor as necessary for the minor's needs. Such
3 payments may not exceed the maximum amounts provided for by
4 Section 9.1 of the Children and Family Services Act.

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

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

13 (Source: P.A. 95-331, eff. 8-21-07; 96-581, eff. 1-1-10;
14 96-600, eff. 8-21-09; 96-1000, eff. 7-2-10.)

15 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

16 Sec. 2-28. Court review.

17 (1) The court may require any legal custodian or guardian
18 of the person appointed under this Act to report periodically
19 to the court or may cite him into court and require him or his
20 agency, to make a full and accurate report of his or its doings
21 in behalf of the minor. The custodian or guardian, within 10
22 days after such citation, shall make the report, either in
23 writing verified by affidavit or orally under oath in open
24 court, or otherwise as the court directs. Upon the hearing of
25 the report the court may remove the custodian or guardian and

1 appoint another in his stead or restore the minor to the
2 custody of his parents or former guardian or custodian.
3 However, custody of the minor shall not be restored to any
4 parent, guardian or legal custodian in any case in which the
5 minor is found to be neglected or abused under Section 2-3 or
6 dependent under Section 2-4 of this Act, unless the minor can
7 be cared for at home without endangering the minor's health or
8 safety and it is in the best interests of the minor, and if
9 such neglect, abuse, or dependency is found by the court under
10 paragraph (1) of Section 2-21 of this Act to have come about
11 due to the acts or omissions or both of such parent, guardian
12 or legal custodian, until such time as an investigation is made
13 as provided in paragraph (5) and a hearing is held on the issue
14 of the fitness of such parent, guardian or legal custodian to
15 care for the minor and the court enters an order that such
16 parent, guardian or legal custodian is fit to care for the
17 minor.

18 (2) The first permanency hearing shall be conducted by the
19 judge. Subsequent permanency hearings may be heard by a judge
20 or by hearing officers appointed or approved by the court in
21 the manner set forth in Section 2-28.1 of this Act. The initial
22 hearing shall be held (a) within 12 months from the date
23 temporary custody was taken, regardless of whether an
24 adjudication or dispositional hearing has been completed
25 within that time frame, (b) if the parental rights of both
26 parents have been terminated in accordance with the procedure

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

23 The public agency that is the custodian or guardian of the
24 minor, or another agency responsible for the minor's care,
25 shall ensure that all parties to the permanency hearings are
26 provided a copy of the most recent service plan prepared within

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

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

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

26 (B) The minor will be in short-term care with a

1 continued goal to return home within a period not to exceed
2 one year, where the progress of the parent or parents is
3 substantial giving particular consideration to the age and
4 individual needs of the minor.

5 (B-1) The minor will be in short-term care with a
6 continued goal to return home pending a status hearing.
7 When the court finds that a parent has not made reasonable
8 efforts or reasonable progress to date, the court shall
9 identify what actions the parent and the Department must
10 take in order to justify a finding of reasonable efforts or
11 reasonable progress and shall set a status hearing to be
12 held not earlier than 9 months from the date of
13 adjudication nor later than 11 months from the date of
14 adjudication during which the parent's progress will again
15 be reviewed.

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

18 (D) Adoption, provided that parental rights have been
19 terminated or relinquished.

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

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

25 (G) The minor will be in substitute care because he or
26 she cannot be provided for in a home environment due to

1 developmental disabilities or mental illness or because he
2 or she is a danger to self or others, provided that goals
3 (A) through (D) have been ruled out.

4 In selecting any permanency goal, the court shall indicate
5 in writing the reasons the goal was selected and why the
6 preceding goals were ruled out. Where the court has selected a
7 permanency goal other than (A), (B), or (B-1), the Department
8 of Children and Family Services shall not provide further
9 reunification services, but shall provide services consistent
10 with the goal selected.

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

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

16 (2) The court has ruled out all other permanency
17 goals based on the child's best interest;

18 (3) The court has found compelling reasons, based
19 on written documentation reviewed by the court, to
20 place the minor in continuing foster care. Compelling
21 reasons include:

22 (a) the child does not wish to be adopted or to
23 be placed in the guardianship of his or her
24 relative or foster care placement;

25 (b) the child exhibits an extreme level of need
26 such that the removal of the child from his or her

1 placement would be detrimental to the child; or

2 (c) the child who is the subject of the
3 permanency hearing has existing close and strong
4 bonds with a sibling, and achievement of another
5 permanency goal would substantially interfere with
6 the subject child's sibling relationship, taking
7 into consideration the nature and extent of the
8 relationship, and whether ongoing contact is in
9 the subject child's best interest, including
10 long-term emotional interest, as compared with the
11 legal and emotional benefit of permanence;

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

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

17 The court shall set a permanency goal that is in the best
18 interest of the child. In determining that goal, the court
19 shall consult with the minor in an age-appropriate manner
20 regarding the proposed permanency or transition plan for the
21 minor. The court's determination shall include the following
22 factors:

23 (1) Age of the child.

24 (2) Options available for permanence, including both
25 out-of-State and in-State placement options.

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 The court shall make findings as to whether, in violation
20 of Section 8.2 of the Abused and Neglected Child Reporting Act,
21 any portion of the service plan compels a child or parent to
22 engage in any activity or refrain from any activity that is not
23 reasonably related to remedying a condition or conditions that
24 gave rise or which could give rise to any finding of child
25 abuse or neglect. The services contained in the service plan
26 shall include services reasonably related to remedy the

1 conditions that gave rise to removal of the child from the home
2 of his or her parents, guardian, or legal custodian or that the
3 court has found must be remedied prior to returning the child
4 home. Any tasks the court requires of the parents, guardian, or
5 legal custodian or child prior to returning the child home,
6 must be reasonably related to remedying a condition or
7 conditions that gave rise to or which could give rise to any
8 finding of child abuse or neglect.

9 If the permanency goal is to return home, the court shall
10 make findings that identify any problems that are causing
11 continued placement of the children away from the home and
12 identify what outcomes would be considered a resolution to
13 these problems. The court shall explain to the parents that
14 these findings are based on the information that the court has
15 at that time and may be revised, should additional evidence be
16 presented to the court.

17 The court shall review the Sibling Contact and Support Plan
18 developed or modified under subsection (f) of Section 7.4 of
19 the Children and Family Services Act, if applicable. If the
20 Department has not convened a meeting to develop or modify a
21 Sibling Contact Support Plan, or if the court finds that the
22 existing Plan is not in the child's best interest, the court
23 may enter an order requiring the Department to develop, modify
24 or implement a Sibling Contact Support Plan, or order
25 mediation.

26 If the goal has been achieved, the court shall enter orders

1 that are necessary to conform the minor's legal custody and
2 status to those findings.

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

18 A guardian or custodian appointed by the court pursuant to
19 this Act shall file updated case plans with the court every 6
20 months.

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

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

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

4 (b) If the permanency goal of the minor cannot be
5 achieved immediately, the specific reasons for continuing
6 the minor in the care of the Department of Children and
7 Family Services or other agency for short term placement,
8 and the following determinations:

9 (i) (Blank).

10 (ii) Whether the services required by the court and
11 by any service plan prepared within the prior 6 months
12 have been provided and (A) if so, whether the services
13 were reasonably calculated to facilitate the
14 achievement of the permanency goal or (B) if not
15 provided, why the services were not provided.

16 (iii) Whether the minor's placement is necessary,
17 and appropriate to the plan and goal, recognizing the
18 right of minors to the least restrictive (most
19 family-like) setting available and in close proximity
20 to the parents' home consistent with the health,
21 safety, best interest and special needs of the minor
22 and, if the minor is placed out-of-State, whether the
23 out-of-State placement continues to be appropriate and
24 consistent with the health, safety, and best interest
25 of the minor.

26 (iv) (Blank).

1 (v) (Blank).

2 (4) The minor or any person interested in the minor may
3 apply to the court for a change in custody of the minor and the
4 appointment of a new custodian or guardian of the person or for
5 the restoration of the minor to the custody of his parents or
6 former guardian or custodian.

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

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

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

22 When parental rights have been terminated for a minimum
23 of 3 years and the child who is the subject of the
24 permanency hearing is 13 years old or older and is not
25 currently placed in a placement likely to achieve
26 permanency, the Department of Children and Family Services

1 shall make reasonable efforts to locate parents whose
2 rights have been terminated, except when the Court
3 determines that those efforts would be futile or
4 inconsistent with the subject child's best interests. The
5 Department of Children and Family Services shall assess the
6 appropriateness of the parent whose rights have been
7 terminated, and shall, as appropriate, foster and support
8 connections between the parent whose rights have been
9 terminated and the youth. The Department of Children and
10 Family Services shall document its determinations and
11 efforts to foster connections in the child's case plan.

12 Custody of the minor shall not be restored to any parent,
13 guardian or legal custodian in any case in which the minor is
14 found to be neglected or abused under Section 2-3 or dependent
15 under Section 2-4 of this Act, unless the minor can be cared
16 for at home without endangering his or her health or safety and
17 it is in the best interest of the minor, and if such neglect,
18 abuse, or dependency is found by the court under paragraph (1)
19 of Section 2-21 of this Act to have come about due to the acts
20 or omissions or both of such parent, guardian or legal
21 custodian, until such time as an investigation is made as
22 provided in paragraph (5) and a hearing is held on the issue of
23 the health, safety and best interest of the minor and the
24 fitness of such parent, guardian or legal custodian to care for
25 the minor and the court enters an order that such parent,
26 guardian or legal custodian is fit to care for the minor. In

1 the event that the minor has attained 18 years of age and the
2 guardian or custodian petitions the court for an order
3 terminating his guardianship or custody, guardianship or
4 custody shall terminate automatically 30 days after the receipt
5 of the petition unless the court orders otherwise. No legal
6 custodian or guardian of the person may be removed without his
7 consent until given notice and an opportunity to be heard by
8 the court.

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

16 (5) Whenever a parent, guardian, or legal custodian files a
17 motion for restoration of custody of the minor, and the minor
18 was adjudicated neglected, abused, or dependent as a result of
19 physical abuse, the court shall cause to be made an
20 investigation as to whether the movant has ever been charged
21 with or convicted of any criminal offense which would indicate
22 the likelihood of any further physical abuse to the minor.
23 Evidence of such criminal convictions shall be taken into
24 account in determining whether the minor can be cared for at
25 home without endangering his or her health or safety and
26 fitness of the parent, guardian, or legal custodian.

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

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

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

14 (Source: P.A. 96-600, eff. 8-21-09; 96-1375, eff. 7-29-10;
15 97-425, eff. 8-16-11.)

16 Section 15. The Adoption Act is amended by changing Section
17 18.3 as follows:

18 (750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

19 Sec. 18.3. (a) The agency, Department of Children and
20 Family Services, Court Supportive Services, Juvenile Division
21 of the Circuit Court, and any other party to the surrender of a
22 child for adoption or in an adoption proceeding shall inform
23 any birth parent or parents relinquishing a child for purposes
24 of adoption after the effective date of this Act of the

1 opportunity to register with the Illinois Adoption Registry and
2 Medical Information Exchange and to utilize the Illinois
3 confidential intermediary program and shall obtain a written
4 confirmation that acknowledges the birth parent's receipt of
5 such information.

6 The birth parent shall be informed in writing that if
7 contact or exchange of identifying information with the adult
8 adopted or surrendered person is to occur, that adult adopted
9 or surrendered person must be 21 years of age or over except as
10 referenced in paragraph (d) of this Section.

11 (b) Any birth parent, birth sibling, adopted or surrendered
12 person, adoptive parent, or legal guardian indicating their
13 desire to receive identifying or medical information shall be
14 informed of the existence of the Registry and assistance shall
15 be given to such person to legally record his or her name with
16 the Registry.

17 (c) The agency, Department of Children and Family Services,
18 Court Supportive Services, Juvenile Division of the Circuit
19 Court, and any other organization involved in the surrender of
20 a child for adoption in an adoption proceeding which has
21 written statements from an adopted or surrendered person and
22 the birth parent or a birth sibling indicating a desire to
23 share identifying information or establish contact shall
24 supply such information to the mutually consenting parties,
25 except that no identifying information shall be supplied to
26 consenting birth siblings if any such sibling is under 21 years

1 of age. However, both the Registry having an Information
2 Exchange Authorization and the organization having a written
3 statement requesting the sharing of identifying information or
4 contact shall communicate with each other to determine if the
5 adopted or surrendered person or the birth parent or birth
6 sibling has signed a form at a later date indicating a change
7 in his or her desires regarding the sharing of information or
8 contact.

9 (d) On and after January 1, 2000, any licensed child
10 welfare agency which provides post-adoption search assistance
11 to adoptive parents, adopted persons, surrendered persons,
12 birth parents, or other birth relatives shall require that any
13 person requesting post-adoption search assistance complete an
14 Illinois Adoption Registry Application prior to the
15 commencement of the search. However, former wards of the
16 Department of Children and Family Services between the ages of
17 18 and 21 who have been surrendered or adopted shall not be
18 required to complete an Illinois Adoption Registry Application
19 prior to commencement of the search.

20 (Source: P.A. 96-895, eff. 5-21-10.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.